

# Primus inter pares?

*The Parliamentarisation and Presidentialisation of the European Commission: between European integration and organisational dynamics.*

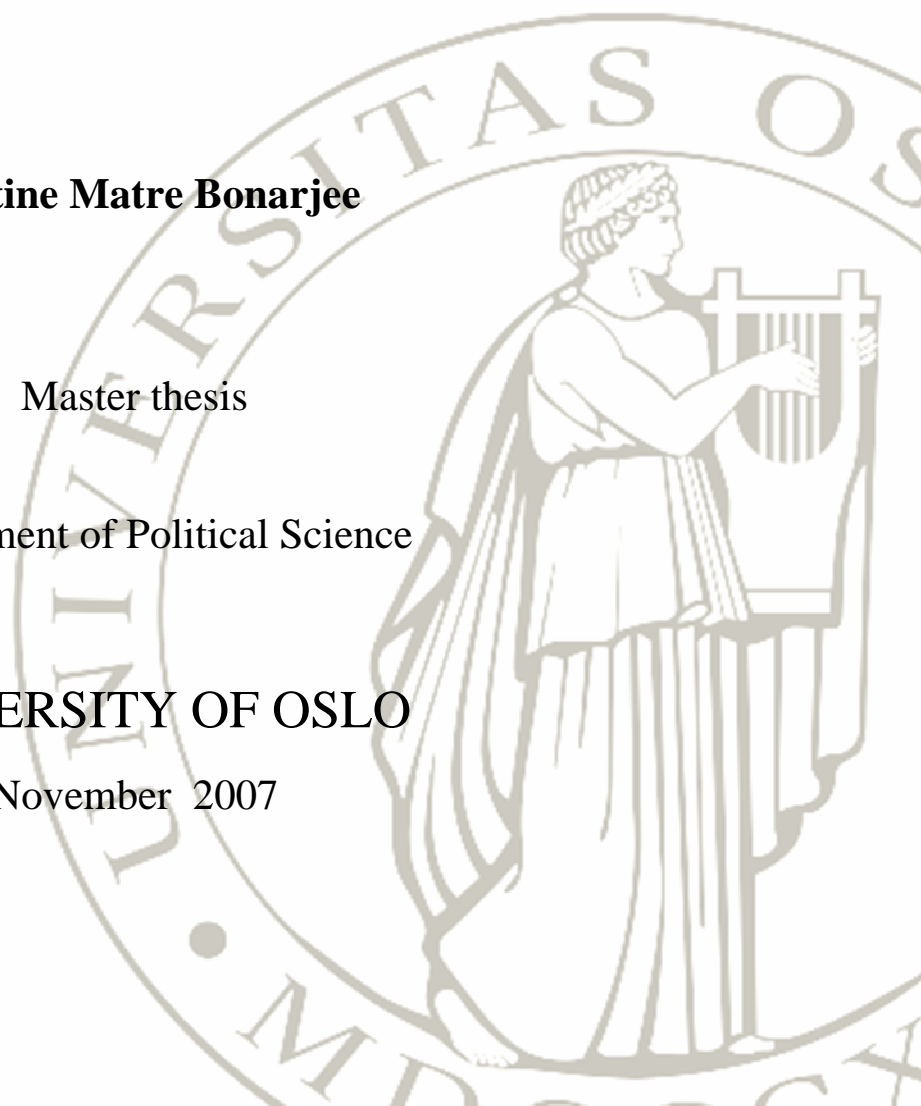
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## Abstract

With the Treaties of Amsterdam and Nice the President of the Commission gained in influence vis-à-vis the College of Commissioners resulting in a process of *Presidentialisation*. At the same time the European Parliament gained in influence over the European Commission resulting in a process of *Parliamentarisation*. The aim of this thesis is to explain these processes. Why are we seeing such a leadership emerge within the Commission, and why is the EP gaining in influence?

Employing intergovernmental theory, I show that the member states retain the formal power to revise the Treaty framework, and may be said to be the primary actors. Using this right they have made the Commission an efficient institution while at the same time limiting the influences of the Parliament. Employing rational choice institutionalism I arrive at slightly different conclusions. Focus on the European institutions' adaptation of the formal provisions, this interpretation shows that the institutions influence their own roles and functions as they maximise their mandates. A third and final analysis employing organisational theory focusing on the institutional environment show that norms and ideas are used as arguments for the Presidentialisation and Parliamentarisation of the Commission, and seem to be used to legitimise the institutions.

## Acknowledgements

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Needless to mention, the responsibility for errors and misinterpretations rests solely with the author,

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# Table of Contents

<b>ABSTRACT</b>	<b>3</b>
<b>ACKNOWLEDGEMENTS</b>	<b>4</b>
<b>TABLE OF CONTENTS</b>	<b>5</b>
<b>LIST OF ABBREVIATIONS</b>	<b>7</b>
<b>1. INTRODUCTION</b>	<b>8</b>
1.1 <i>Presidentialisation and Parlamentarisation</i>	9
1.2 Typology	11
1.3 Approach	13
1.4 Outline	14
<b>2. THEORETICAL FRAMEWORK: PERSPECTIVES, HYPOTHESES AND METHODOLOGY</b>	<b>16</b>
2.1 Rational perspectives	17
2.2 An environment based perspective	22
2.3 Critical remarks – and how to fix them	26
2.4 Research methodology and data	28
<b>3. TYPOLOGY APPLIED: THE EUROPEAN COMMISSION BETWEEN PARLIAMENTARISATION AND PRESIDENTIALISATION</b>	<b>33</b>
3.1 Amsterdam: formalising hierarchy	34
3.2 Nice: reinforcing hierarchy	35
3.3 Towards a <i>constitutional moment</i> ?	36

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3.4	In sum: Presidentialisation and Parlamentarisation	37
4.	<b>NEGOTIATIONS AND NOMINATIONS. <i>PARLIAMENTARISATION</i> AND <i>PRESIDENTIALISATION</i> FROM AMSTERDAM TO BARROSO</b>	<b>40</b>
4.1	<i>Aquis Conferencielle</i> : change as intergovernmental negotiations	41
4.2	Change as institutional adaptation: Inter-institutional relations	51
4.3	Change as internal leadership	58
5.	<b>THE COMMISSION BETWEEN INTEGRATION AND ORGANISATIONAL DYNAMICS</b>	<b>62</b>
5.1	Presidentialisation and Parlamentarisation as state driven	62
5.2	Presidentialisation and Parlamentarisation as institution driven	69
5.3	Limits to rationality: Presidentialisation and Parlamentarisation as myth driven	78
6.	<b>PUTTING THE PIECES TOGETHER</b>	<b>82</b>
	<b>TABLE OF AUTHORITIES</b>	<b>86</b>

## List of Abbreviations

<b>BEPA</b>	Bureau of European Policy Advisors
<b>COREPER</b>	Committee of Permanent Representatives
<b>DG</b>	<i>Directorat General</i>
<b>EP</b>	The European Parliament
<b>EPP/ED</b>	Group of European the People's Party (Christian Democrats) and European Democrats
<b>EU</b>	The European Union
<b>GOPA</b>	Group of Policy Advisors
<b>IGC</b>	Intergovernmental Conference
<b>MEP</b>	Member of the European Parliament
<b>RoP</b>	Rules of Procedure
<b>ToA</b>	Treaty of Amsterdam
<b>QMV</b>	Qualified Majority Voting

# 1. Introduction

Institutions have been said to be static in their nature. This statement may not hold true for the European Commission (henceforth Commission). Given a limited role as the European Communities were set up, it is now a large organisational structure. The Commission encompasses roles and functions normally associated with both executive branches of government and secretariats of international organisations, giving it a hybrid character (Egeberg 2003). The role of the President of the Commission is no exception. Parallel to the growth of the Commission, the relationship between the President and the College of Commissioners, and the Commission and the European Parliament (EP) has changed, altering with it the nature of leadership in the European Union (EU).

These processes have been incorporated in the Treaties and practices of the Union. From being nominated as one of the Commissioners, the President now nominate the Commissioners together with the member-states, as well as selects the political profile of the Commission. At the same time the nature of the balance between the EP and the Commission has shifted. From being viewed as a bystander, the Parliament has grown into an important actor. Not only does it approve the, to an increasing degree the party profile of the EP seems to influence the composition of the Commission, and it's President.

Why are we seeing such a leadership emerge within the Commission, and why is the EP gaining in influence? How can it be explained? Can it primarily be seen as a result of negotiations in the inter-governmental conferences (IGC) or should it be viewed as a result of informal processes? Can it be explained by looking at the European Council, or should other actors be taken into account? Is it a rational adaptation or a reflection of ideas? These are the questions I will answer.



## 1.1 *Presidentialisation and Parliamentarisation*

How can we identify indicators for the evolving role of the European institutions? I believe we can isolate two major developments in later years. First, the President of the Commission has gained influence vis-à-vis the Commissioners, giving the Presidency more the role of *primus* than the traditional *primus inter pares*, resulting in a process of *Presidentialisation*. Second, the EP has increased its power over the composition of the Commission, resulting in what some might label *Parliamentarisation* of the inter-institutional relations. Increasingly, the Commission as a whole, and the President in particular, can be held responsible not only to the Council, but also to the Parliament.

Put rather shortly these processes can be traced in the following way. From the Treaty of Amsterdam (ToA, 1997) onwards<sup>1</sup>, the President has been given the power to allocate and re-allocate the portfolios of the Commissioners (Nugent 2001: 69). As I will argue, this fundamentally changes the relations both internal and external to the Commission. The following Treaty of Nice (2001) formalised the arrangement that any member of the Commission would resign upon the wishes of the President, thus cementing the special role of the Presidency. As the first post-enlargement Commission, the Barroso Commission showed us that the larger countries can no longer expect the more important portfolios. Barroso gave off an impression of a strengthened presidential prerogative in the allocating of positions (Bache & George 2006:214). Furthermore, the nomination and election of the Barroso Commission seems to have been influenced by the 2004 European Parliament elections. Going beyond the formal Treaty provisions the Barroso nomination seems to have been conditioned by the election results (Beukers 2006). The two processes can be seen in Table 1 below.

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<sup>1</sup> The nomination process of the Commission and its President was reformed already with the Treaty on European Union (1992, TEU). In the TEU the Parliament gained the right to be consulted on the President-nominee, the President himself gained the right to be consulted on the Commissioner-nominees. The Commission as a whole was subject to approval by the Parliament (Nugent 2001: 62). However, as a selection of data has to be made, the TEU was left out of the time frame of my thesis.

**Table 1: Presidentialisation and Parliamentarisation**

<b>Treaty</b>	<i><b>Treaty of Amsterdam</b></i>	<i><b>Treaty of Nice</b></i>	
<i><b>Presidentialisation</b></i>	<b>Power of allocation</b>  <b>Political guidance</b>	<b>Power to dismiss individual commissioners</b>	
<i><b>Parliamentarisation</b></i>	<b>Veto power on President nominee</b>		<i>EP elections condition choice of President</i>

My dependent variable can thereby be isolated to two observable processes, formalised in two consecutive treaties, the Treaty of Amsterdam and the Treaty of Nice. These processes encompass both the increased presidential prerogatives and the increased parliamentary influence. Why is it of interest to trace the process through formal Treaty revisions? I will return to this in the following chapters, but a short remark will be made. Treaties govern the EU. They give the overarching guidelines for the functioning of the Union. This is where the Commission is given its mandate and where the roles and functions of the President is specified. Changes in the Treaty framework are therefore good indicators of actual change. Member states are taken to be the primary actors of Treaty negotiations. However, I don't believe the institutions are without influence in these processes, and much is to be learned from the way they interpret the treaty provisions. The adaptation of the Treaties by the European institutions will therefore be included as explanatory variables. However, the study

will be limited to the formal provisions guiding the work of the Union and the adaptation of these. Structures outside of these will be excluded<sup>2</sup>.

Is there anything to be gained from isolating these two processes? One could answer no. The Commission Presidency is inherently interlinked with the general evolution of the Commission, furthermore, it is linked to the overall processes taking place in the Union as a whole. The argument holds true for the European Parliament as well. Its influences over the Commission may not be separated from its standing in the Union as a whole. In contrast, I will argue for the separation of these processes. If in fact the Presidency of the Commission has grown in influence, and leadership within the organisation is changing, it is important to unravel explanatory factors. If the Parliament is growing in influence over the Commission this points to a new institutional dynamic it should be elaborated on. Is it a process pushed forwards by the member states, or does its evolution lay solely in the hands of its incumbents? Can it be traced back to institutional dynamics, or should it be seen as part of a larger trend? Not only will it provide us answers as to how the Commission works as an institution, but also to the institutional dynamics of the EU as a whole. By highlighting its evolution, we might be able to learn more not only about formal, but also informal aspects of institutional change.

## 1.2 Typology

*Parliamentarisation* and *Presidentialisation* refer to particular institutional structures, and an evolution of these, necessarily moves towards an end. I therefore see a need to elaborate the main concepts of this thesis, and make clear what is entailed by these. As parliamentary and presidential political systems come in different shapes and forms, it is important to make these explicit. I do so by presenting a typology of the

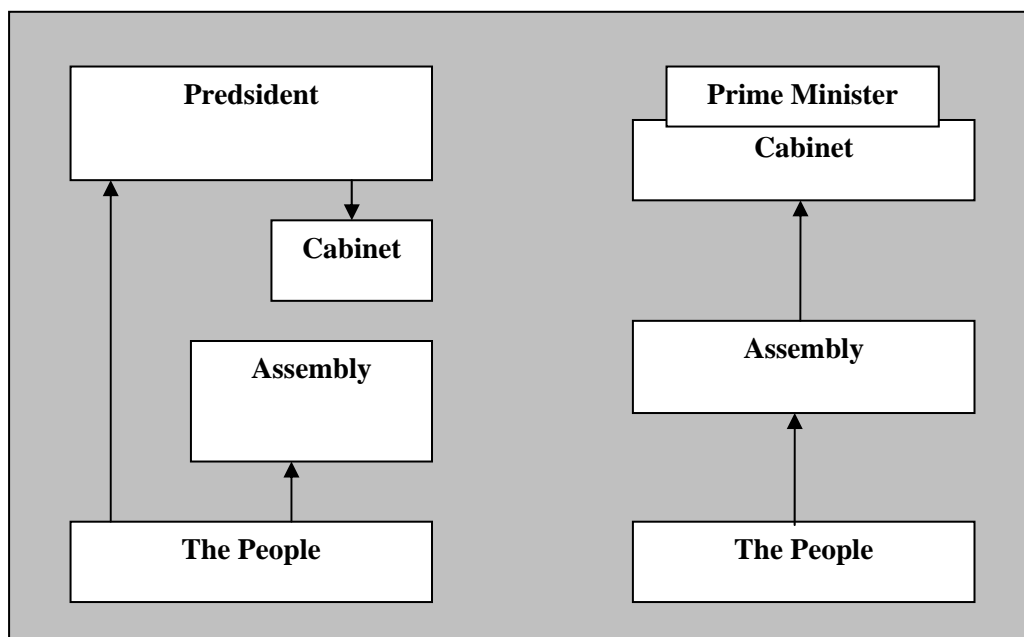
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<sup>2</sup> In the Treaty framework the Parliament and the Commission have been given the prerogative to lay down their working arrangements through Rules of Procedure (Treaty on European Union 1992). Though these processes may be seen as formal processes, in the following analysis they will, for clarifying reasons, be referred to as informal processes. Treaty negotiations and IGCs will be referred to as formal processes.

concepts. These are to be treated as ideal models or measures to assess the processes by, not the end goal of the processes. Though they are shown here as two separate processes and two different concepts, as will become clear, I do not hold them to be separate, and the presence of one does not exclude the other.

Presidential and parliamentary regimes can be said to differ on three accounts. While the executive is not held politically responsible to the legislature in presidential systems, the executive emerges from the legislature in parliamentary systems. Second, heads of governments in presidential systems are popularly elected, while in a parliamentary regime, the prime minister is selected by the legislature. Lastly, as only the President has been given the mandate to govern in a presidential system, the President is also given the executive and political responsibility. In parliamentary regimes it is the executive as a whole that is held responsible to the Parliament, and indirectly, through a chain of delegation and accountability, to the people (See Lijphart 1999; Poguntke & Webb 2005; Østerud 1996). The differences can be seen in Figure 1 below, the presidential system can be seen on the left hand side, the parliamentary on the right.

**Figure 1: Typology of concepts**



If these are the ideal forms of parliamentary and presidential systems, how then can we describe the processes strengthening these? In their study of the Presidentialisation of politics, Poguntke and Webb isolate the process down to two developments, “(a) increasing leadership power resources and autonomy within the party and the political executive respectively, and (b) increasingly leadership-centred electoral processes” (Poguntke & Webb 2005:5). The process of Parliamentarisation, on the other hand, can be viewed as (a) an increasing responsibility of the executive towards the legislature, through a positive vote or the lack of a vote against the executive, and (b) the legislatures increase in influence over the composition of the executive.

Though these processes are drawn from state structures, I hold them to be relevant for the study of the EU. What could be the end result of such processes within the Commission? A fully presidential system might include a directly elected President of the Union, free to select his own Commission and irresponsible to the Council and the EP. A full parliamentary system would include a Commission fully responsible to the peoples of Europe through the Parliament and or the Council. Neither seems to be the case today. As I will argue, the Commission seems to have been influenced by both ideals and it might be moving towards a combination of the two. However, as the model suggests, they need not be contradictory or mutually exclusive. I will return to this typology in *chapter three* by applying it to the European Union.

### 1.3 Approach

Recapturing the questions put forward above, the issue at hand boils down to the following: **How can we explain the *Presidentialisation* and *Parliamentarisation* of the European Commission?**

Furthermore, three subordinate questions are put forward:

- a) have the processes been driven forwards by the member states,

- b) have the processes been driven forwards by the European institutions,
- c) or should they be viewed as reflections of ideas?

The latter questions are not taken out of thin air, but are based on assumptions drawn from theories on the functioning of the European Union and the study of organisations; intergovernmentalism, neo-institutionalism and organisation theory.

These perspectives shall be employed as a theoretical framework for the analysis. The aim is not to test the theories in themselves, neither is the Presidentialisation and Parliamentarisation of the Commission to be seen as a critical case. The aim is rather to let the theories guide the work as I attempt to unravel the explanatory factors of the two processes at hand. Therefore, no attempts will be made at creating the most elaborate and elegant hypotheses. However, as they both guide the analysis and selection of variables and data, it is important to state them explicitly. The data will be analysed employing case study research. This is ideal for my study as it enables me to employ a number of sources of data on different levels, making it possible to shed light on the variables selected. The theoretical and methodological framework will be elaborated on in the following chapter.

## 1.4 Outline

The attempt to shed light on the research question will be structured as follows. *Chapter two* will see the construction of the theoretical framework. Two main perspectives will be presented and adapted to the research question; first a rational perspective based on intergovernmental theory and rational choice institutionalism, second an environment based perspective basing itself on organisation theories. Furthermore, the methodological framework will be elaborated on, presenting the research methods applied. The typology presented above will be applied to the EU in *chapter three*. The Presidentialisation and Parliamentarisation of the Commission and its relations with the EP will be traced from the Treaty of Amsterdam through the Treaty of Nice showing a strengthening of both presidential and parliamentary traits.

Additional remarks will be made on the Reform Treaty. Subsequently this analysis will be employed as the dependent variable as I seek to explain these processes.

The empirical framework of the analysis will be presented in *chapter four*. Drawing on the postulations of the theoretical perspectives, I will seek explanations in the intergovernmental conferences (IGC) preceding the signing of the Treaties of Amsterdam and Nice as well as the informal adaptations of these. Furthermore, data will be collected from the inter-institutional relations between the Commission and the EP. Following this, *chapter five* will combine the theoretical and the empirical framework. Three analyses will be presented. The first bases itself on the assumption of the member states as rational actors and the Presidentialisation and Parliamentarisation of the Commission is seen as institutional design. The second analysis basis itself on the assumption of the European institutions as rational actors and Presidentialisation and Parliamentarisation is viewed as rational adaptation from the institutions. The third and final analysis sheds light on the legitimising effect of ideas tracing the two processes to ideas prevalent in the organisational environment. *Chapter six* sees my final remarks and concludes that the processes at hand can better be understood by combining the three analytical perspectives.

## 2. Theoretical framework: Perspectives, hypotheses and methodology

How can we employ theories to explain the changing nature of the Commission? Few perspectives can be easily adapted to explain changes in governmental structures at this level, but the study of the European integration has produced a number of theories and concepts to draw upon. In the following sections I will adapt these theories to the study of *Presidentialisation* and *Parliamentarisation* of the Commission constructing expectations and hypotheses. This is not to say that I will construct a system of hypotheses where the verification of one will automatically contradict the other. Neither do I expect to identify all explanatory variables. I want to construct a framework to analyse the empirical findings of *chapters three and four* with.

The theoretical framework will be based on two groups of perspectives. First, a rational perspective, making use of intergovernmental theory, rational-choice institutionalism and agency theory, putting focus on the strategies of rational actors. Second, I will employ an environmental perspective making use of organisation theory, emphasising the influence of norms on the level of the organisational environment<sup>3</sup>. By doing so I hope to construct a set of explanatory factors and hypotheses that will help clarify the Parliamentarisation and Presidentialisation of the European Commission. The chapter will proceed in two parts. First I will present the two perspectives and derive expectations and hypotheses from their postulations. Second, I will elaborate on the methodological choices made and present the research methods chosen for the study.

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<sup>3</sup> The concepts of 'organisation' and 'institution', as well as 'reform' and 'change' is often taken to connote different ideas in organisational and institutional theory. I'm well aware of this, but as the scope of this thesis is neither to construct the more elaborate theoretical framework or to test the theories, thus I will not differentiate between them.



## 2.1 Rational perspectives

The assumption of rational actors is well established in the study of international politics. In this section I will present and develop two sets of theories based on this assumption. First, a model based on Stanley Hoffmann's (1995) intergovernmental theory and Andrew Moravcsik's (1991; 1993; 1998) later interpretation, liberal intergovernmentalism, putting focus on the state as a rational actor. Second, a model based on rational choice institutionalism and their interpretation of game theory, emphasising rational institutions. Though the sets of theories both make use of the rationality assumption, as will be shown, they differ quite dramatically on their assumptions on actors.

### 2.1.1 Intergovernmentalism

For intergovernmentalists, the rational actors at hand are the states. The theory builds on the neo-realist assumption of rational unitary actors. Thus, the member states of the European Union are viewed as the primary actors of European integration. They form and shape the integration process to their will. As rational actors, the states are taken to protect national interests. Unlike classic realism, intergovernmentalists recognise that states can and will pursue this through interstate cooperation. However, cooperation with other states is only undertaken if it furthers national interests. A convergence of preference between member states is therefore a prerequisite for cooperation (Hoffman 1995). Furthermore states are not expected to give up their sovereignty, but to pool it (Keohane and Hoffmann 1991; Pollack 2005).

Classic intergovernmentalism sees national preferences as a reflection of the states perception of its relative position in the state system (Rosamond 2000: 137) As their name might suggest, liberal intergovernmentalism incorporate liberal theories of preference formation. It is not the relative power of the states that determine their interests, but preference formation on the national level. Thus, it is not the externally given interests of the larger member states than converge, but the domestic policy

preferences (Moravcsik 1991: 48-49) The scope of intergovernmentalism is not to explain the day to day policy making of the EU, but to understand its history making decisions. Focus is therefore put on Treaty negotiations. *“Treaty revisions are presented as moments when the course of integration process is debated, decided, altered and/or consolidated”* (Rosamond 2000: 131). Intergovernmental theory thus suggests that we seek explanations for the Presidentialisation and Parliamentarisation of the Commission when and where these are negotiated.

For intergovernmentalists the results of these negotiations will always reflect the relative power of the states involved, favouring the more powerful states. For liberal intergovernmentalists, interstate negotiations result in a lowest common denominator agreement (Pollack 2005). As the scope of this thesis is not to attribute the changing character of the Commission Presidency to single member states, but rather to see if the member states, collectively, can be said to be the more important actors in this process, it is their assumption of member state primacy that will be applied on the empirical findings.

For the adherents of intergovernmentalism, the European institutions are not recognised as actors in the European integration process, but can be viewed as a by-product of interstate negotiation. They are set up by rational actors, and are to be seen as products of the member states will. They are shaped and given mandates to serve the purpose of the member states. They reduce transaction costs and are seen as neutral bodies that uphold the agreements (Cini 2007: 102-103). Thus the European institutions are viewed as a mechanism for interstate cooperation, and instruments for the member states rather than actors in themselves. They are not thought to influence their own structure. Explanatory factors need therefore be sought in intergovernmental fora such as the European Council. If the institutions develop agendas of their own, intergovernmentalists believe the member states will pull out (Cini 2007:104).

### 2.1.2 Rational Choice institutionalism

Rational choice institutionalism is a part of the multifaceted neo-institutional school of thought that had its upsurge in the 80's and 90's. The rather diverse perspective is based on the assumption that 'institutions matter' (Aspinwall & Schneider 2000). Unlike in intergovernmental theory, institutions should not only be viewed as neutral means for their creators, institutions influence the processes that take place within them. Though the different branches of the theory, rational choice institutionalism, sociological institutionalism and historical institutionalism, have different perceptions of why and how institutions matter, they believe they provide a context for decision making (Peters 2005).

Rational choice institutionalism is less of a coherent theory than the other two. Most practitioners share the intergovernmental view of methodological individualism and the supposition that cooperation is instrumental in its character (Peters 2005: 19; Aspinwall & Schneider 2000: 10-11). *"In general, rational choice institutionalism sees politics as an arena in which individuals try to maximize their personal gain...Rational choice institutionalism consequently sees institutions as providing a context within which individual decisions are set, but places the emphasis on 'individual' not context"* (ibid.). Furthermore, they share the basic assumption that institutions are set up to lower transaction costs related to inter state cooperation (ibid.). Institutions are thus viewed as intervening variables. However, as the European Union has grown into a complex system of power sharing and delegation, rational choice adherents focus on principal-agent relations. It is this relation, an imperfect division of power, that enable the institutions to exploit their position and seek to gain more power (ibid.: 13). Thus rational choice institutionalism 'opens up' the assumptions of intergovernmental theory and grant the European institutions influence over their own roles and structures.

Rational choice institutionalism often makes use of game theory, in particular non-cooperative game theory, to explain this power play (ibid.). In their work on the co-decision procedure and the reform of the co-decision procedure, Tsebelis (1994;

1996; 2002) and Moser (1996) show how the Parliament, the Commission and the Council can be taken to be rational actors, trying to maximise their gain and their position through European policy making. By applying these basic assumptions, rational choice institutionalism can therefore be used to highlight the changing relative power of the institutional actors.<sup>4</sup> By employing their assumptions for the behaviour of the institutions, maximising their own interests, we can devise expectations for the Presidentialisation and Parliamentarisation of the European Commission.

### **2.1.3 Institutional change as rational action**

How can the rational perspective shed light on the Presidentialisation and Parliamentarisation of the European Commission? Two, rather conflicting expectations can be derived. One based on the assumption of rational member states, the other on the assumption of rational institutions.

First, following intergovernmental theory, we need to ask the question to what extent these two processes have been driven forwards by the member states. When and where have the member states taken the decision to reform the Commission? According to the intergovernmental perspective, the key to understanding these processes are to be found in the intergovernmental conferences. These are the arenas where member states meet to negotiate and renegotiate the formal framework for interstate cooperation.

As the member states are taken to be rational actors, institutional change should be viewed as a result of institutional design. European institutions are only set up insofar as they serve a function for the member states. A change in the structure of the Commission should therefore be expected to have a functional explanation.

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<sup>4</sup> Game theorists often construct stylised models for the behaviour of their actors and test these on empirical findings. Due to the scope of this thesis, I will only make use of hypotheses when testing this perspective. Furthermore, I am aware that rational action may not only be limited to utility maximising behaviour. However, a larger discussion of this goes well beyond the scope of the analysis.

Reforms initiated will yield effects. Institutions can be expected to act according to the formal provisions granted by the member states. It is to be expected that their functions and the relation between the European institutions will reflect the Treaty framework. Consequently, this can be expected to change if and only if changes are made to the Treaties. Following the same line of argument, there will be no adaptation of these provisions between intergovernmental conferences, and the internal working procedures of the Commission and the working provisions for inter-institutional agreements are expected to mirror those of the Treaty framework.

This expectation can also be used on the European institutions role in intergovernmental conferences. The institutions are only given a role insofar as it serves the interests of the member states. This is not to say that the European institutions and the member states don't have overlapping interests, it just goes to say that the institutions are without independent influence. Furthermore, each intergovernmental conference is to be treated as an isolated case of international cooperation. The member states may increase the influence of the institutions in one negotiation round, and reduce it the next. More importantly, the member states are expected to maintain an 'exit-strategy'. Though they have increased the powers of the Commission Presidency, they will retain the power to reduce it.

The second perspective extends this concept of actors. By drawing on principal-agent relations, the European institutions are taken to be actors in themselves, not only instruments. Presidentialisation and Parliamentarisation should therefore be seen as a result of rational behaviour from institutions stretching their mandate. Presidentialisation is thus expected to result from the maximising behaviour of the Commission President. Parliamentarisation is to be seen as a gradual process where the Parliament tries to gain influence for itself as it interacts with the Commission. We would therefore expect the two processes to be gradual.

This assumption of maximising behaviour further extends the assumptions of where these processes are initiated. They can not be isolated to Treaty negotiations. As new provisions are included in the formal framework, the institutions are expected to

adapt these to further strengthen their role. This should be reflected in their own working arrangements. The internal working arrangements of the Commission are therefore thought to emphasise a strong President within the College. The working arrangements of the Parliament are expected to reflect a strong Parliament vis-à-vis the Commission. But the arrow of causality may also be reversed. The Commission and the European Parliament are expected to use their positions within the intergovernmental conferences to extend their mandates. Furthermore, unlike the intergovernmental perspective, rational choice institutionalism does not exclude the possibility that the institutions engage in inter-institutional cooperation that go beyond those stipulated in the formal framework. We can therefore expect the European institutions to push their mandates also in their inter-institutional relations.

The following hypotheses can therefore be constructed:

**H1: Presidentialisation and Parliamentarisation of the Commission has been driven forwards by the member states. The processes have been negotiated in intergovernmental conferences and the internal structure of the Commission and its relationship with the European Parliament reflect the Treaties.**

**H2: The Presidentialisation and Parliamentarisation of the Commission has been driven forwards by maximising institutions. Change in formal structure can not be isolated to formal negotiation processes, but may also be caused by institutions adapting their roles.**

## 2.2 An environment based perspective

The concept of norms is to a lesser extent used in the study of the European integration process. The following perspective will therefore draw on the study of organisations. It will make use of the works of, amongst others, Meyer and Rowan (1977;1991) and DiMaggio and Powell (1983;1991), emphasising the relation between an organisation and its environment. By adapting their perspectives I will

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derive expectations on the role of norms in the Presidentialisation and Parliamentarisation of the Commission.

### **2.2.1 Isomorphism and the institutional environment**

The broader normative and cultural environment can be said to be of interest in the study of institutions. Not only can institutions be seen to reflect the will of the actors initiating them, they may also be viewed as reflections of their organisational or institutional environment. Within the organisation's environment there will be expectations of how the organisation should be, referred to as myths (Christensen et al. 2004). As organisations adapt to these myths they grow more alike, causing isomorphy among them.

In today's complex society, organisations may have multiple sources of incompatible and inconsistent expectations. Pressure may also vary with sections of the organisation. Common to these perceptions of how the organisation should function is that they are highly *institutionalised* in the broader society, that is their value is taken for granted, regardless of their actual effect. Furthermore, they are *rationalised* in the sense that they are presented as an efficient means for organisations in a scientific way. Moreover, ideas are spread amongst organisations because they are immaterial concepts that can be adapted to the organisation in question (ibid.). I will argue that parliamentarism and the idea of a strong president may be viewed as such myths.

Advocates of the environmental perspective claim institutions gain legitimacy by incorporating the norms of the broader society. However, they differ on the mechanisms that result in an adaptation to the environment. Meyer and Rowan (1977; 1991) base their argument on the assumption that institutions gain legitimacy by reflecting societal values rather than adhering to technical demands. Organisations will therefore change as they adapt to society. “...organizations are driven to incorporate the practices and procedures defined by prevailing rationalized concepts of organizational work and institutionalized in society. Organizations that do so

*increase their legitimacy and their survival prospects, independent of the immediate efficacy of the acquired practices and procedures”* (Meyer & Rowan 1977: 340). The explanation for the Presidentialisation and Parliamentarisation of the European Commission need therefore be sought in the values of its broader environment.

DiMaggio and Powell isolate three mechanisms that may cause isomorphy among organisations. First, pressure can be exerted by one organisation on the next, coercing change in their structure. Second, uncertainty and ambiguity within an organisation relating to its goals and functions may cause an organisation to mimic similar organisations, thus causing them to grow more alike. Third, DiMaggio and Powell point to the spreading of professions amongst organisations. As these develop and expand they bring with them values from one organisation to the next, causing them to grow more alike (DiMaggio & Powell 1991: 67-96). Norms consequently gain influence over the organisation on an individual level.

The latter mechanism thus shares some of its assumptions with sociological institutionalism (Aspinwall & Schneider 2000), though norms are given an impact on the level of the organisation’s environment, not the individual. As data will not be collected on this level, this perspective will be left for others to elaborate on. Emphasis will be put on Meyer and Rowans thesis and the two former mechanisms of DiMaggio and Powell, and focus will be put on the degree the European Council, the Commission and the European Parliament employ such myths. As their perspective is not an integration theory per se, but is drawn from organisation theory, it has no provisions as to which actors are to be considered the more important. Myths are the driving force in organisational change.

Isomorphism theory may also be given a rational interpretation. By focusing on how norms or myths may be applied rationally by leadership to increase the efficiency of an organisation, myths are interpreted as instruments or means. Within this perspective, myths are thought to have a lesser effect than the traditional interpretation of the environment. Reforms are used as means to gain legitimacy and though they may be implemented, this is only for show and little change come from it



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(See Røvik 2007; Brunsson 2002). This perspective overlaps with the rational perspective presented above, and will be left out of the analysis.

### **2.2.2 Institutional change as myth driven processes**

The argument for the applicability of this perspective is a different one than for intergovernmentalism and rational choice institutionalism. Its postulations are unlike those that base their line of argument on which set of actors are the more influential. This perspective presupposes that it is an idea rather than an actor that is in the driver's seat of institutional reform. To understand the changes in the nature of the Commission Presidency we therefore need to explore the degree to which myths affect the actors in the process. Following this theoretical perspective, these ideas can be expected to guide the European actors as they shape and form the European institutions, either through the Council and Treaty negotiations, or through the adaptation of these by the members of the Commission and the EP. One may also expect there to be a multitude of myths and expectations.

I argue that Parliamentarism can be viewed as such a myth, deeply rooted in the political thinking of Europe. To a large extent, one can expect the members of the Commission and the members of the European Parliament have previous experience from national politics. The members of the European Council can be expected to be thoroughly seated within the national political culture. They bring with them a perception of self, and a perception of the actors they are to interact with. Furthermore, they bring with them a perception of the function of the institutions they make up. As parliamentary systems of government are prevalent in the member states, the concept of parliamentarism is expected to be strongly institutionalised with a meaning. As the EU is a rather novel construction, one might expect it to mirror other successful organisations in its environment, such as the nation state. The dynamics within the Commission, and its relation to other European institutions, can be seen as an attempt to mirror the particular arrangements of the European nation states.

Presidentialisation may also be viewed as a prevalent myth. Though it can not boast of the same historical traditions in Europe, Poguntke and Webb (2005) have pointed to a general trend towards a presidentialisation of politics. That is not to say that Europe is seeing its number of presidents increase, but they point to a gradual strengthening of the chief executive. Basing their study on a range of European countries, the U.S and Canada, they show a presidentialisation through “*the growth of leadership power and autonomy within parties and political executives, and the prominence of leaders in the electoral processes*” (Poguntke & Webb 2005: 336). As this process has driven political systems to become more alike across structural differences one might expect it to be part of a trend, or a zeitgeist. As rationalised and institutionalised myths they may therefore be expected to influence the functioning of the institutions on a European level and the actors working within them. Thus we might expect the EU to adopt the same structures.

The following hypothesis can therefore be constructed:

**H3: The Presidentialisation and Parliamentarisation of the Commission has been caused by the European Institutions adapting to the myths of the institutional environment; parliamentarism and the idea of a strong President.**

## 2.3 Critical remarks – and how to fix them

Can these theories be combined into a theoretical framework? By employing all three sets of perspectives I hope to shed light on the process that I would not have been able to do by employing them separately. Intergovernmental theory can be criticised for focusing merely on the states and thus overlooking the influence the institutions may have over the European integration process. By including a hypothesis based on rational choice institutionalism I hope to bypass this. The same can be said for neo-institutional theory. This school of thought has been under attack for not paying enough attention on the role of the member states. Critics claim that even though the institutions are of influence, the member states are more resourceful (Kassim &

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Menon 2004). Thus, a combination of the two perspectives might yield more information.

Furthermore, intergovernmental theory can be criticised for only focusing on the history making decisions, and overlooking gradual processes of integration. Rational choice institutionalism will help me avoid such an outlook by broadening the assumptions on the processes of institutional change. It might be said that I'm breaking the assumptions of neo-institutional theories by only focusing on formal processes. However, building on research done on treaty changes, these suggest that the constitutional framework of the union has evolved through a dynamic relationship between formalised and non-formalised practices (Farrell & Heritier 2003).

However, both rational choice institutionalism and intergovernmental theory make the assumption that actors are rational. The former focusing on institutions, the latter member states. By including the myth driven perspective I hope to be able to open up this rather limited assumption. However, the environmental perspective may be criticised for not being able to pinpoint which organisational structures are adapted to mirror demands in the broader society and what mechanisms drive forwards such a process. By searching for arguments based on this perspective in the formal processes surrounding the Parliamentarisation and Presidentialisation of the Commission I hope to avoid this.

A challenge when combining these perspectives to shed light on one case is that they make use of different levels of variables and units of analysis. Intergovernmental studies focus on intergovernmental conferences and state behaviour. Rational-choice institutionalism makes use of formal models often in a short term perspective. Sociological institutionalism more often makes use of qualitative, long term analyses (Aspinwall & Schneider 2000:7). Institutional isomorphy bases its analysis on an entirely different level (DiMaggio and Powell 1983). However, as I will return to in the following section, I will employ a research strategy that allows me to employ all three perspectives.

## 2.4 Research methodology and data

How will the theoretical framework be employed? In the following I will present the methodological framework, elaborating on case studies as well as the selection of data that has been made. Finally, remarks will be made on the reliability and validity of my research.

### 2.4.1 Theories as an interpretive and explanatory framework: case studies

Case study research is the dominant empirical research strategy for the study of the EU (Andersen 2003: 6). It is said to be ideal for complex social phenomena where the aim is to “*retain the holistic and meaningful characteristics of real-life events*” (Yin 2003: 2). Case studies as such can be undertaken in a number of ways. I have chosen to treat the two processes presented in *chapter one* as a single case, and in my analysis I seek to explain them as such. It could have been broken down into multiple case studies by treating each indicator as a separate case. Furthermore, by focusing on their differences and commonalities, the study could have been comparative. However, as I hold them to be one process, I have chosen to conduct a single case study. On the other hand, separate marks will be made in the analysis.

There are a number of problems connected with case studies. Mainly, the problem lies with the small number of units that are being analysed, and that one therefore runs the risk of not being able to generalise from one study to others. Though case studies may not be generalisable to populations of units, they may be generalisable to theoretical concepts (ibid.:10). In my analysis I shall make use of theories as an interpretive and explanatory framework. “*The ambition is to apply theory, develop empirical implications and construct explanations*” (Andersen 2003: 10). I realise that my explanatory factors will be highly dependent on the assumptions the selected theories are based on, biasing the data. By comparing the theoretical framework to the empirical findings, I hope to broaden our understanding of the phenomenon in particular. Though my goal is not to generalise, I hope the study will increase our

understanding of the interplay of the institutions in general. I am aware of the limitation of case studies and generalisation as compared to more quantitatively oriented studies, but due to the nature of my research topic, I view the chosen strategy as more suitable.

The data gathered will be analysed using qualitative document analysis. With a research topic such as this I argue that this is the better option. I seek to trace broad trends, and arguments used for the strengthening of these. With quantitative document analysis we risk losing information. I will return to the data sources in the following section.

As mentioned above, the scope of this thesis is to understand the processes that have caused the strengthening of the Presidency within the Commission at the same time as the Commission in itself has become more dependent on the will of the Parliament. The time-span of the analysis stretches over a decade. Little research has been done on this before, and this thesis will therefore broaden our understanding of this process. The study will not yield any information on the individual level. It will not give us any information on the informal processes within the institutions, neither will it be able to break down the member states and shed light on coalitions within the European Council. However, I believe it will increase the knowledge of the processes surrounding these changes, and the results can therefore lay the foundations for further, more in depth analysis.

#### **2.4.2 Selection of data**

Case study-methodology enables me to make use of data from a number of sources to highlight my research topic (Yin 2003: 83). As seen, the theories presented above employ different assumption and therefore utilise different data sources. By employing a case study strategy I can therefore make use of data that can shed light on all three perspectives.

The EU has made a broad range of documents available for analysis. The changes that I seek to explain can be found in the Treaties themselves, the Rules of Procedures of the institutions and inter-institutional framework agreements. Following efforts of making European decision making more accessible to its citizens most of these documents are available through the Europa web portal and/or in the Official Journal of the European Union. The Council Regulation governing this only dates back to 2001. Documents pre-dating this has either been published online regardless or been made available to me.

Data concerning Treaty negotiations and the intergovernmental conferences set up to deliberate these are also readily available online. This enables me to review the documents produced during the IGCs, covering both the opinions of the European institutions as well as the opinions of the member states through the Council Presidency conclusions. However, little data is available from the later phases of the IGC. As the European leaders meet to deliberate and negotiate the final texts, little information is made public except for the final results. As I seek to explain the role of the IGCs and the member states as compared to a gradual change driven forwards as the European institutions adapt to these rules, this information is not vital to my research. Though it will not yield any information as to which country sought further Presidentialisation and/or Parliamentarisation of the Commission, a comparison of the final results and the positions of the EP and the Commission, will help answer my research questions.

I will also make use of secondary literature. A broad range of studies have been done on the Commission, its relationship with the European Parliament and Treaty negotiations. By reviewing these, I can draw on their results in my effort to shed light on my research question. This is especially the case for the nomination and election procedures where less data has been made available. Research on Treaty negotiations has also helped me select the documents for further analyses.

I have chosen not to undergo interviews. Interviews could have given me information on the individual level, as well as clarification on informal processes. However, the

time frame of this analysis is rather broad, and reliable data based on interviews would have entailed a large number of interviews on several levels and in multiple organisations. Furthermore, as some of the events being analysed took place more than ten years ago, questions could be raised as to their reliability.

### **2.4.3 Applying the theoretical framework: Reliability and validity**

Two concepts are important for the quality of case studies, reliability and validity. Reliability measures the degree to which the operations of the study can be repeated with the same results. The validity of the study<sup>5</sup> measures the degree to which the operational measures reflect the concepts being studied (Yin 2003: 34).

As shown above, I have chosen to make use of mostly official EU documents to shed light on the Parliamentarisation and Presidentialisation of the Commission. Official documents can be expected to hold a high degree of reliability when used as data. They can be taken to be less biased than other sources, and random errors are expected to be corrected over time. The chances for biased sources of data to corrupt the analysis are further reduced by employing data from a number of different sources. I therefore believe my analysis will hold a high degree of reliability. Additional secondary sources of data have also been collected. Multiple sources of data enable triangulation which further strengthens the reliability of the study. The majority of the data sources are easily available via the Europa web portal. Furthermore, the data I employ is presented in *chapter four*. The data is therefore easily available for others wishing to repeat the analysis.

As for the validity I believe the data sources are well adept to elucidate the functioning of the European institutions. I believe the main concepts of this thesis, Presidentialisation and Parliamentarisation are well elaborated on. This is done both

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<sup>5</sup> The measurement of validity presented above is referred to as concept validity. Other interpretations of validity are the internal validity, referring to the internal causality of the arguments, and external validity referring to the domain for which the results of the study can be generalised (Yin 2003: 34). These two concepts of validity are left out of my study as they are not relevant.

with the typology presented in the introduction, and in *chapter three*, where this is used to explain recent tendencies in within the Commission and its relations to the EP. I employ a formal perspective on the strengthening of the Commission Presidency and the Commission's growing dependence on the will of the Parliament, basing the concepts on the Treaty framework.

As shown above, the data employed also reflect a formal interpretation. The data used is collected from processes where the formal arrangements are renegotiated and employed, basing the data on intergovernmental conferences, Treaties, Rules of Procedure (RoP) and inter-institutional agreements, guard the functioning of the Union. A comment should be added. As the formal interpretation is applied, it is difficult to isolate the effect of the Commission Presidency. In these formal forums the President represents the Commission as a whole, and the documents presented by the Commission is put forwards by the College as a whole. However, I argue that they are a good indicator for the Presidency's standing within the College. I therefore believe the validity of the study to be strong. A small caveat should be included. Though legal documents are being used, this is not a legal study. Focus will not be on their legal status, but to what degree they support the Presidentialisation and Parliamentarisation of the Commission. They might not shed light on the more informal procedures that might evolve, but never be formalised. The methods I have chosen to employ and the data I will collect will not yield any information on this. For such an understanding of these processes a master thesis falls short.



### **3. Typology applied: The European Commission between *Parliamentarisation* and *Presidentialisation***

How can the Parliamentarisation/Presidentialisation typology be applied on the Commission? To what extent is the European Commission moving towards the two ideal models? Using the framework set up in the introduction, this section will present an elaboration of the dependent variable tracing the pattern of reform from Amsterdam to Nice. As mentioned in the introduction, the nomination of the Barroso Commission introduced a new practice. This appears in the Reform Treaty and short remarks will also be made on the reforms that will appear if the Treaty is ratified in its current form.

The institutional workings of the European Union is a disputed issue, in particular those with supranational characteristics. The past decades have seen a rapid increase of Intergovernmental Conferences (IGCs) and Treaties. Unlike its member states, the EU has seen an almost continuous process of Treaty revisions. As one IGC draws to an end, provisions are added for a new conference reviewing the Treaties (Treaty on European Union 1992; Treaty of Amsterdam 1997; Treaty of Nice 2001). As European integration has widened in its scope and broadened in its borders, so has the intensity of the IGCs grown, adapting the institutions to new challenges. Throughout these, I argue, one can trace the strengthening of the presidential prerogatives and the growing influence of the EP over the Commission.

The presentation will be done in four parts. The first three concerning themselves with the Treaties in question, the fourth an application of the typology.

### 3.1 Amsterdam: formalising hierarchy

Little reference was made to the role of the President of the Commission prior to the Treaty of Amsterdam (1997). How did the presidential prerogatives advance with these Treaty negotiations? Two amendments are worth mentioning. First the ToA formalised a new internal balance of the Commission “*The Commission shall work under the political guidance of its President*” (ibid.: Article 219). This left the Presidency with strengthened leadership resources as it opened up possibilities for political, rather than administrative leadership of the work of the Commission. The President’s ability to lead and influence the work of the Commission was further increased as the presidential prerogatives for allocation of tasks within the Commission were formalised. “... *the President of the Commission must enjoy broad discretion in the allocation of tasks within the College, as well as in any reshuffling of those tasks during a Commissions term of office*” (ibid.: Declaration 32 attached to the final act, 2<sup>nd</sup> sub-paragraph). Thus the Presidency gained in influence over the Commission, obtaining the power to shape its composition and through it, its policies, without the involvement of member states, significantly strengthening the hierarchy of the institution. This may therefore be viewed as one of the more important reforms.

Second, changes were made to the nomination of the President and the Commission. With Amsterdam, the EP was formally given the power of assent in the appointment of the Commission President, separating it from the nomination of the Commission as a whole. “*The governments of the Member States shall nominate by common accord the person they intend to appoint as President of the Commission; the nomination shall be approved by the European Parliament*” (ibid.: Article 214 (2) 2<sup>nd</sup> sub-paragraph). The EP thus increased its influence over the Commission President and the balance between the bodies was altered.

The President-elect position in the nomination procedure was also strengthened, furthering the new internal balance of the Commission. “*The governments of the Member States shall, by common accord with the nominee for President, nominate*

*the other persons whom they intend to appoint as Members of the Commission”* (ibid.; Falkner and Nentwich 2000: 22-24). However, it is still the prerogative of the member states to put forwards national candidates for such a nomination, successfully limiting the influences of the President-elect. I will return to this point in the following chapters.

Some collegial traits were still kept. The President of the Commission and the Commission as a whole were made dependent on the EP by a positive vote to take office.” *The President and the other Members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the European Parliament, the President and the other Members of the Commission shall be appointed by common accord of the governments of the Member States”* (Treaty of Amsterdam 1997: Article 214 (2) 2<sup>nd</sup> sub-paragraph). Thus, even if the Parliament’s influence over the President grew, the college could still only be held responsible as a body and the Parliament’s influence over the other Commissioners were therefore limited.

### 3.2 Nice: reinforcing hierarchy

The special nature of the President continued to be emphasised with the Treaty of Nice (2001). The Presidency’s influences over the organisation of the Commission increased. *“The Commission shall work under the political guidance of its President, who shall decide on its internal organisation in order to ensure it acts consistent, efficiently and on the basis of collegiality”* (ibid.: Article 217 (1). This might be seen as opening up for a stronger internal leadership by the presidency, yet at the same time, it puts focus on the collegial nature of the Commission.

What is more, the President’s influence over the workings of the Commission was reinforced as the Treaty formalised the informal agreement initiated by the Prodi Commission that any member of the Commission would resign upon the request of the President *“A member of the Commission shall resign if the President so requests,*

*after obtaining the approval of the College*” (ibid. (4), Spence 2000: 6). Thus the formal power to remove a Commissioner was obtained, increasing the leadership resources of the Presidency. Consequently it can also be seen to strengthen the Commissions standing as a whole as incompetent members may be asked to leave without the whole College having to step down. However, should such a resignation take place, the President was left without influence in the process of naming the replacement, effectively limiting the use of such a mechanism (ibid.: Article 215). Furthermore, an over-powerful President will be limited by his need to seek approval from the College.

The influence of the Parliament over the Commission in the nomination procedure, remained the same with Nice. However, the European Council would now nominate the President using qualified majority voting “*The council, meeting in the composition of Heads of State or Government and acting by a qualified majority, shall nominate the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament*” (ibid.: Article 214 (2) 1<sup>st</sup> paragraph). The member states thus lost their veto, and one might expect that the willingness to compromise will increase (Neuhold 2006: 358). The role of the EP remained the same, but it might be argued that the balance between Council and the EP changed. As it stands today, the Treaty of Nice still govern the functioning of the Union.

### 3.3 Towards a *constitutional moment*?

The draft Reform Treaty tabled in July 2007 (European Council 2007) continues the Presidentialisation and Parliamentarisation of the Commission. A member of the Commission shall resign upon the wishes of the President, but the formal consultation is removed of the Commissioners, thus strengthening the independent role of the President (ibid.: Title III, article 9d - 7 (c)). More interestingly, the Treaty provides for the involvement of the President in appointing a replacement. Though the member states retain the power to take part in this decision, and the EP is to be consulted, it

significantly increases the Presidents ability of using this in shaping the Commission (ibid.:Art 215 2<sup>nd</sup> paragraph). However, whether or not this will be put into place, remains to be seen.

If ratified in its current shape, the Reform Treaty, will bring the relationship between the EP and the Commission closer to a parliamentary system. Building on the provisions of earlier treaties, the Reform Treaty establishes a chain of responsibility between the EP and the Commission. *“The Commission, as a body, shall be responsible to the European Parliament”* (ibid.: Title III, article 9d -6). Not only will the Commission be held accountable, but it will also, in part, emerge from the EP, furthering the parliamentary traits. *“Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. The candidate shall be elected by the European Parliament by a majority of its component members”* (ibid.:Title III, article 9d -8) As the Barroso Commission nomination and investiture processes showed, some of these provisions have been put into use, prior to its ratification (Beukers 2006). This yields a number of questions. Leaving answering these to the analysis, I now return to the key concepts.

### 3.4 In sum: Presidentialisation and Parlamentarisation

Reforms and changes within the Commission are often analysed with regards to a triangle of partially incompatible principles; first, the principal of a strong President, second, the principal of collegiality, and third, the principal of the Commissioner responsible of his or her dossier (Wessels 2005). The aforementioned Treaties can be said to have skewed this balance in favour of the President. Returning to the typology of Parlamentarisation and Presidentialisation presented in the introduction, I will assess these processes of change.

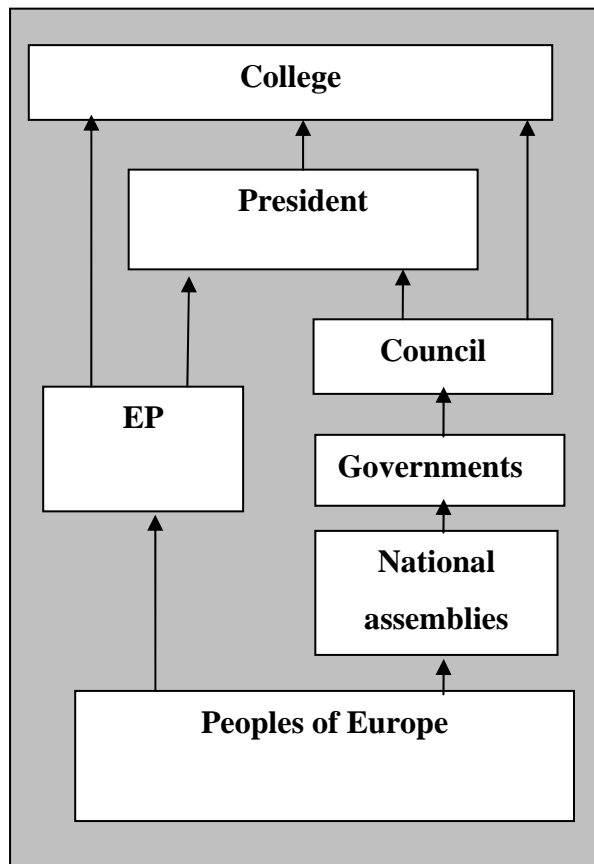
Presidentialisation was linked to increasing leadership resources and leadership-centred elections. Parliamentarisation was seen as a growing responsibility of the executive towards the legislature, and increasing influence by the legislature over the composition of the executive. As seen, one does not exclude the other, and both processes can be said to be present within the institutional set-up of the European Union.

A Presidential system of governance can be said to be on the increase. Recent Treaty revisions have strengthened the Presidency's hold on the Commission. Formally it has been established that the Commission shall work under the political guidance of its President. Furthermore, the Presidency's ability to exert leadership has been reinforced by a presidential prerogative to allocate and reallocate task within the Commission. Moreover, he may also ask a member of the Commission to leave. These trends all contribute to reinforce the hierarchical structure of the Commission. The nomination and election of a new Commission has also come to be more leadership oriented. The European Council now nominate the President in a separate process and the President-elect is subsequently involved in the nomination of the College of Commissioners.

At the same time the Treaties have strengthened the parliamentary traits of the EU institutional framework. The long time established right of censure has been given further weight as the Commission to an increasing degree is held responsible towards the EP. First and foremost this has been shown through the nomination and election processes. Not only does the Commission need a positive vote from the EP to take power, the President-elect emerged from the majority of the EP, making it dependent on EP elections. Thus it can be said that the EU is left with a combination of the two ideal models. Both the Commission President and the Parliament have seen their positions strengthened in the formal framework. The institutional set-up can be seen in Figure 2.

Is this the end? For it to become more presidential, a more direct election of the President must take place. Furthermore, though we can see that the political

**Figure 2: Presidential and Parliamentary traits in the EU** programme of



the President has become increasingly important, he is still not politically responsible to the people in a traditional way. More importantly, the collegiality seems to be highly valued within the EU. Though the Parliament has seen its roles increase, it is far from the ideal type. Though the Parliament has increased its influences over the nomination process, the two structures are still very much separate. If the Commission can be said to emerge from the legislature, it is still a dual legislature.

These processes raise a number of questions. How did these structures evolve? Who can be said to be driving them forwards and why is it being done? I will return to this in the following chapter mapping out the processes that have strengthened the parliamentary and presidential traits of the Commission.

## **4. Negotiations and nominations. *Parliamentarisation and Presidentialisation from Amsterdam to Barroso***

In this chapter I will trace the strengthening of the Presidentialisation and Parliamentarisation of the Commission. As seen in *chapter three*, the Treaties are a good indicator for the two processes; however, they do not explain the processes in question. To move towards a deeper understanding of these I have chosen three levels of empirical findings. First, as the Treaties govern the EU and set out the main guidelines for its work, I view the intergovernmental conferences (IGC) as natural sources of explanations. Following the postulations of the theoretical framework focus will be on the input of the European Commission and the European Parliament.

Second, the changes I have mapped out might be driven forwards by the relationship between the Commission and the Parliament. I therefore review the Parliament's adaptations of the Treaties through their Rules of Procedure and the inter-institutional agreements set up between the Commission and the Parliament to see if changes can be traced. Furthermore, I assess the 'three-party' process of putting together the Prodi and Barroso Commissions<sup>6</sup>, tracing the roles of the Parliament, the Council and the President-designates.

Finally, I review the internal reforms of the Commission in an attempt to trace the processes. The Rules of Procedure are included to shed light on how the Commission adapt to the formal Treaty framework. In what way can the Commission President be said to lay the political direction of the work? By reviewing these three levels of

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<sup>6</sup> As seen in the introduction, the main aim of this analysis is to shed light on the increase in presidential and parliamentary prerogatives with the Amsterdam and Nice Treaties. Furthermore, as seen in chapter two, I have chosen a formal approach on the collection of data. Though we can not exclude the possibility of the resignation of the Santer Commission affecting these proceedings, this will be kept out as it reflects on the already established prerogative of a parliamentary vote of censure. Furthermore, as I will show, the institutional revision following the Santer College resignation was to a large extent undertaken in the Nice negotiation round and is therefore included.



empirical findings I believe I will be able to trace processes influencing the Presidentialisation and the Parliamentarisation of the Commission.

#### 4.1 *Aquis Conferencielle*: change as intergovernmental negotiations

Treaty negotiations have been said to be an institution in themselves, where a set of actors operate under their own norms and rules, sometimes referred to as the “*aquis conferencielle*” (Beach & Mazzucelli 2007:4; Christiansen 2002; Christiansen & Gray 2003). The key actors in negotiating treaties are the member states and their representatives (Nugent 2003: 93). “*The government of any Member State or the Commission may submit to the Council proposals for the amendment of the Treaties on which the Union is founded... The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements*” (Treaty on European Union 1992 Article 48 (ex Article N) Given their intergovernmental character, treaties need to be signed and ratified by all member states in order to come into force (Sverdrup 2000:241).

There are no formal provisions for either the agenda setting phase of the conduction of intergovernmental conferences (IGCs) within the EU (Beach 2005: 8, Beach & Mazzucelli 2007: 3). The agenda of for the Amsterdam negotiations was prepared by a Reflection Group with representatives from the member states, the Commission, the EP and the Council Secretariat (Beach 2005: 115). For the Treaty of Nice, the story was different. The Santer Commission resignation sped up the Nice negotiations (Dinan 2000:40). No preparatory group was set up, but informal negotiations were held at the COREPER level (Committee of Permanent representatives) and at the Council of Ministers level (Beach 2005: 146).

Since the 1985 negotiations, IGCs have had four phases or levels. First, groups of national experts are set up, discussing key issues. These are further negotiated on a second level by what is called the ‘personal representatives of the minister’ or

preparatory groups. Third, the processes are overseen by foreign ministers delivering inputs. Fourth, and finally, a European Council is held negotiating outstanding issues (Nugent 2003: 96-97; Beach & Mazzucelli 2007: 5).

Despite its intergovernmental character, European institutions are not without influence. The General Secretariat of the Council of Ministers provides the IGC with its secretariat<sup>7</sup>. Its function is closely linked to the Council Presidency. By chairing the IGC the Presidency plays a special role in moving the rounds forward and setting the pace of the negotiations (Hayes-Renshaw & Wallace 1997: 135-150; Christiansen 2002: 35; Nugent 2003: 97; Beach 2005: 9). The Commission may both make proposals and suggestions for the IGCs, and it functions as a broker during negotiations (Nugent 2003: 97). Moreover, as Christensen and Gray have pointed out, the Commission, together with the Council Secretariat, are the only European institutions entitled to be present in the negotiation room (2003: 15). Though the Parliament is less of an actor during negotiations, it has seen its powers increase, also in this field. To a greater extent it has been given the opportunity to participate in preparatory groups, and may also submit opinions (ibid.: 98). I will return to this in the following presentations.

#### **4.1.1 Negotiating the Treaty of Amsterdam**

As seen in *section two*, the Treaty of Amsterdam increased the formal powers of the President and strengthened the investiture process in favour of the Parliament. How can these changes be traced through the Treaty negotiations?

For the preparation of the IGC agenda a Reflection Group was established with representatives from the member states, the Commission and the European Parliament. The group was set up at the Corfu Summit June 1994, and convened a

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<sup>7</sup> Though it is a part of the Council infrastructure, and intergovernmental part of the EU cooperation, the Council secretariat is often thought of as an institution in its own, somewhat separate from the Council. See for example Christiansen 2002, or Beach 2005. Though I do not hold them to be without influence in the Parliamentarisation and Presidentialisation of the Commission, this thesis does not allow for a discussion of their role. For that it falls short.

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year later. The preparatory group was made up by representatives from the member states, the Commission and the EP. Their mandate was to “*examine and elaborate ideas relating to the provisions of the Treaty on European Union* (European Council 1994). It was not to negotiate between its members, but to draw up an agenda and identify issues for further negotiation (Dinan 2005: 163-164). The group presented their report at the Madrid Council in December 95. Following its mandate it included little but the viewpoints of its members. They identified three main topics for the upcoming IGC: making the EU more relevant for its citizens, improving the Unions efficiency and accountability and improving the EU’s ability to act internationally (Reflection Group 1995).

On the size and function of the Commission, the members of the Reflection Group were partly in agreement. They could agree on its main functions, and its dependence on an approval by the Parliament to take office, but could not agree on its composition “*Broadly, one view within the Group is to retain the present system for the future, reinforcing its collegiality and consistency as required. This option would allow all members to have at least one Commissioner. Another view is to ensure that greater collegiality and consistency be attained by reducing the Commissioners to a lesser number than Member States and enhancing their independence*” (ibid.). The report from the Reflection Group did not mention the special nature of the Commission President. The conclusions of the preparatory group were largely kept in the conclusions of the Spanish Presidency. The Madrid Council also set a timeframe for the IGC indicating that it would finish June 1997 during the Dutch Presidency (European Council 1995).

The negotiations of the ToA marked a significant increase in the Parliament’s role in treaty negotiations (Maurer 2002). Not only were they given two representatives in the preparatory group, but a system of informal consultations during the IGC was set up. They thus gained the power of putting forwards their views and being informed of the work undertaken by the member states. However, as the negotiations began, they were successfully excluded (Beach 2005: 136).

The Parliament published a report on the functioning of the Union as the Reflection Group took up its work. The report called for a “greater presidentialization” of the working methods within the Commission without going further into detail. A more specific demand was made for the strengthening of the parliamentary traits of the Union. By suggesting a direct election of future Commission Presidents by the Parliament based on a list of candidates presented by the European Council it sought to strengthen its role in the investiture process. Furthermore, the Parliament asked for the prerogative to request the compulsory retirement of an individual Commissioner, thus making the Commission more dependent on the will of the Parliament (European Parliament 1995).

As seen above, neither suggestion was incorporated in the final report made by the Reflection Group. As the Parliament presented their opinion to the IGC, this was taken note of “*Not enough attention has been given by the Reflection Group to the system of appointing the Commission. This has to be reformed so that the President of the Commission is directly elected by the Parliament on the basis of names provided by the European Council*” (European Parliament 1996). In a letter to the representatives of the member states to the IGC, the EP’s representatives to the Reflection group elaborated on their stance asking for the President to be granted the formal power to allocate portfolios, but also to reshuffle these and to ask a Commissioner to leave (European Parliament 1997a). No mention was made of the compulsory retirement of Commissioners. However, as was mentioned in their initial report on the results of the IGC, the Parliament vote of approval of the Commission President upon the nomination by Council was incorporated in the Treaty following established practice. On the other hand this was far from the influence the EP wanted to obtain (European Parliament 1997b).

Like the Parliament, the Commission published an initial response to the Corfu European Council. Similar to the EP, it made comments on the functioning of the Treaty. Though positive towards a parliamentary vote of assent on the President due to its legitimising effects, the Commission was less inclined to continue the

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individual hearings of nominees for the posts of Commissioners (European Commission 1995). The Commission delivered its official opinion on the IGC February 1996 making a clear statement of their views of an institutional reform “*The Commission considers that its President should be designated by the European Council and approved by Parliament. The President should play a decisive part in the choice of the Commission’s Members, the better to ensure collegiality. In this regard, its members should be designated by common agreement between the President and the respective governments of the Member States*” (European Commission 1996).

As mentioned, the Commission has a greater role to play than the Parliament once the IGC has been opened. During this phase the Commission presented the member state representatives with specific opinions on the topic at hand. One of them was on the functioning of the Commission. Doing so, they continued their emphasis on collegiality “*The Commission is and must always be collectively accountable to Parliament. Individual censure motions should be ruled out as they would destroy the collegiality that characterizes the Commission*” (European Commission 1997). The Commission’s arguments for the strengthening of their President were largely functional in their nature. A strengthening of the Presidential prerogatives in the nomination of Commissioner would “*enable the President to aim equilibrium, balance between Members and their respective portfolios and tasks and balanced representation of men and women*” (ibid.). The Commission also sought for the process of reshuffling tasks and portfolios to be made an internal process to the Commission making it the responsibility of the President who would refer it to the full Commission for a decision (ibid.).

The IGC was officially convened in as the European leaders met in Turin, Italy. The themes of the IGC were to be as laid down by the Reflection Group: making the EU more relevant for its citizens, improving the Unions efficiency and accountability and improving the EU’s ability to act internationally. The agenda was deliberated at informal ministerial meetings and issue specific meetings were held before the state leaders formally convened again in Florence. The Florence European Council made

progress on many issues, but not institutional matters (Beach 2005: 117). This can be seen in the conclusions made by the Italian Presidency. Among the issues still in need of deliberation was the “the manner of appointing it (the Commission) and its composition” (European Council 1996a). A progress report was put forwards but its conclusions were those of the Reflection Group, merely pointing out the different options (European Council 1996b). Thus, the Florence Summit gave the upcoming Irish Presidency the mandate to draw up a draft treaty (European Council 1996a).

The Irish Presidency presented general introductory notes in an attempt to make general positions into precise legal texts. A Draft Treaty was presented to the IGC December 1996 (Beach 2005: 117-118). Though progress was made on parts of the agenda of the IGC, little was achieved on the subject of institutional reform. In the case of the Commission, there seemed to be an agreement on the need to strengthen its Presidency, but not on how to solve it. *“There is a wide measure of agreement on strengthening the powers of the President of the Commission to make the Commission more effective. Some would be willing to contemplate giving the President authority, under some arrangement to be determined, both to select, and perhaps to dismiss, individual Commissioners in certain circumstances as well as an explicit right to allocate and re-shuffle portfolios”*(European Council 1996c). During the Irish Presidency it became clear that this would not be solved till the final negotiation took place in Amsterdam (Beach 2005: 119).

As the Dutch government took on the Presidency of the Council, the focus was put on the Irish ‘left-overs’, producing an addendum to the Irish Draft Treaty. However, like the previous draft, this was only an identification of problem areas, not a draft agreement (Langendoen & Pijpers 2002:280). An informal Summit was held debating an informal draft tabled by the Dutch. This did not yield any results on institutional issues and the topic was finally cleared the night before the final Treaty was presented (Beach 2005: 119-120). The results were seen in *chapter three*..

### 4.1.2 Negotiating the Treaty of Nice

As see in *chapter three*, the Treaty of Nice introduced the President's power to dismiss Commissioner. Together with the power of allocation, this prerogative strengthens the Presidents influence over the policies of the Commission. How did the negotiation round develop?

The negotiation of the Treaty of Nice followed a different pattern than that of the Treaty of Amsterdam, and the agenda evolved in less than a linear fashion. There was no preparatory group set up to prepare the IGC. Rather, the agenda setting phase was undertaken in COREPER and in the Council of Ministers (Gray & Stubb 2001:8). The Cologne European Council in June 1999 marked the beginning of the IGC. During the Summit the European leaders drew up a rather limited agenda for the conference, focusing on the size and composition of the Commission, the weighting of votes in the Council and the possible extension of qualified majority voting in the Council. Furthermore, the European leaders also gave the upcoming Finnish Presidency the mandate to draw up a report seeking solutions to these institutional issues, consulting the member states and the Commission and the EP (European Council 1999a).

As Finland took over the Presidency of the Council only the size and composition of the Commission was on the agenda. After consulting the member states, the Parliament and the Commission, the Finnish included the possibility of formalizing the accountability of individual Commissioners to the President of the Commission through an agreement to resign upon the wish of the President (European Council 1999b) They presented their report to the Helsinki European Council. Though the conclusions from the Summit were for the IGC to keep to the aforementioned topics, the Presidency Conclusions opened for an extension of the agenda by the incoming Portuguese Presidency. Following the participation of the EP in the ToA negotiation round, the Helsinki Council emphasised the continued inclusion of the EP in the preparation of the IGC (European Council 1999c; Wessels 2001).

Both the Parliament and the Commission gave their official opinion before the IGC was formally opened (Beach 2005: 147). The Parliament's initial report only called for an extension of the agenda of the IGC, stating that it would give its priorities in a subsequent report (European Parliament 2000a). In the following report, the European Parliament set out two future possibilities for the size and composition of the Commission, one being a reduced Commission, and the other a Commission where the member states get to keep one Commissioner each. However, the latter option was made dependent on a strengthening of the President. The Parliament also sought to make the Commission more dependent on their approval. It recommitted to its claim from the previous IGC that the Parliament should elect the President of the Commission amongst candidates put forwards by the Council. The Commission should be invested by the Parliament and the Parliament should assess the merits of the proposed Commissioners by hearings. Furthermore, the EP wanted the President of the Commission to be able to ask for a vote of confidence for his Commission in the Parliament. As was mentioned in the report by the Finnish Presidency, the EP sought for the formalisation of the resignation of a Commissioner found guilty of misconduct on the basis of a request by the President of the Commission. It also asked to be given the privilege of the Court of Justice to ask for the resignation of a Commissioner to be extended to the Parliament (European Parliament 2000b).

The newly appointed President of the Commission Romano Prodi had an expert group set up to “*identify institutional problems which needed to be tackled and to present arguments indicating why they needed to be dealt with by the IGC*”( Dehaene et al 1999; Gray & Stubb 2001: 9). The group, coined ‘the group of wise men’ presented their report to the Commission during the Finnish Presidency. For the Commission to remain an efficient body after enlargement, the group of wise men recommended a strengthening of its Presidency. It envisioned a President with “*a more effective influence in the nomination and selection of Commissioners. He should be given clear authority to organise, co-ordinate and guide the working of the institution*” (Dehaene et al 1999). The group also advised the formalisation of the informal agreement between President Prodi and his Commissioners.



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The Commission made it clear to the members of the Union in a report to the Helsinki European Council that it wanted the upcoming IGC to focus on all institutional reforms needed to enable enlargement, thus asking for a broader agenda. *“How can we assume that it will be easier, with almost thirty Member States, to achieve something we were unable to achieve with fifteen at Amsterdam, or that we are unwilling to tackle with fifteen today?”* (European Commission 1999a). In their official opinion to the IGC titled “Adapting the Institutions to make a success of enlargement” (European Commission 2000a), the Commission gave their view on institutional reform. Like the European Parliament, the Commission sought for the formalisation of the agreement set up by Prodi and the Commissioners that the individual Commissioners would resign if asked to by the President. Reform of the Commissions composition was linked to its unique role in the institutional set-up, its principle of collective responsibility and legitimacy. Of the two main options, a Commission with less than one Commissioner per member state, and a Commission with one representative per state, the Commission preferred the latter owing it to its legitimising effect. However, such a solution would require a reform of the Commissions operation to ensure its ability to operate efficiently (European Commission 2000a).

The IGC was officially convened in February 2000 during the Portuguese Presidency. The Portuguese Presidency attempted to expand the agenda beyond the issues set at Helsinki (Beach 2005: 147; Martens 2006). In a report made to the Feira European Council the Presidency proposed an agenda going beyond what had been set before, outlining the position of the member states and proposing possible treaty changes (Gray & Stubb 2001:10, European Council 2000a). Again, the role and composition of the Commission was debated, *“there is a general consensus that in an enlarged Union there will be a need to maintain and build upon the Commission's legitimacy and efficiency and its credibility in the eyes of the public, although opinions vary as to how to achieve these ends”* (European Council 2000a). As with previous treaty rounds, a reduction of the number of Commissioners was seen as a remedy. The Feira report offered no solution to this, but mapped out the different positions of the

member states. A closely linked issue was the internal organisation of the Commission. Though the former topic yielded large differences between the member states, there was a greater willingness to increase the powers of the President by giving him greater powers in directing the general policies of the Commission and vis-à-vis the other Commissioners. On the accountability of the Commission the member states debated an individual versus a collective accountability of the Commission. Though most member states were positive towards the agreement set up between Prodi and his Commissioners, the suggestion that the Commission could ask for a vote of confidence by the Parliament was met with more scepticism (European Council 2000a).

The following French Presidency disregarded the report made by the Portuguese. Their handling of the IGC has been accused of being partial, favouring the larger member states both by extending flexibility and blocking the extension of QMV (Beach 2005:147-151; Phinnemore 2003: 55-57). During their Presidency it became clear that there would be no agreement on sensitive issues prior to the final negotiations *“The Presidency considers that it is premature to bring forward compromise proposals on three issues which are politically highly sensitive: the weighting of votes in the Council, the size and composition of the Commission and the allocation of seats in the European Parliament. It is generally acknowledged that these issues still require detailed discussion to bring the various points of view closer together and that they can only be decided at the highest level”* (European Council 2000b). However, concrete suggestions were put forwards both on the extension of powers for the Commission Presidency and the balance between the Commission and the EP, that was left in the final text (European Council 2000b; Treaty of Nice 2001). The results were seen in *chapter three*.

## 4.2 Change as institutional adaptation: Inter-institutional relations

Parallel to the revision of the Treaty framework, the inter-institutional relations between the Commission and the European Parliament have undergone changes. In this section I will review the Rules of Procedure of the Parliament and see how they were applied in when the Prodi and Barroso Commissions were instated. Furthermore, I will see how these investiture procedures altered the relationship between the institutions through inter-institutional agreements. In doing so, I hope to be able to trace the Presidentialisation and Parliamentarisation of the Commission.

### 4.2.1 Rules of Procedure: Parliament's adaptation

The Parliament organises its work through its Rules of Procedure (Treaty on European Union 1992: Article 199). The Rules of Procedure lay down the internal working methods of the Parliament as well as rules for their relations with other institutions. They are therefore a good indicator for the Parliament's interpretation of their role given in the Treaties. There has been a discrepancy between the internal rules of the Parliament and the Treaty framework. For the appointment of the Commission President and his college, the Parliament's RoP go beyond the prerogatives awarded the Parliament through the Treaties. Though the Amsterdam Treaty introduced a separate Parliamentary vote of approval for the President-designate, the Parliament had already adapted rules requesting the candidate to appear before the Parliament to make a statement followed by a vote of approval or rejection. If a candidate was rejected, the Parliament would ask the Council to withdraw the candidate (European Parliament 1993). When Jaques Santer was nominated and later elected President of the Commission he was asked to appear before the Parliament (Nugent 2001: 65). Following the Amsterdam and Nice Treaties the President-designate is now expected to present his political guidelines to the Parliament before they vote over his candidature by secret ballot (European

Parliament 1999, 2003). Thus the political programme of the Commission is up for a vote.

Similarly, the approval procedures for the College have gone beyond those stipulated in the Treaty framework. Even prior to the Treaty of Amsterdam Commissioners were asked to appear before the committee in charge of their respective policy field for hearings (European Parliament 1993). As seen above, though proposed by the Parliament, individual hearings of the Commissioners have never been adopted in the Treaty framework. However, though the Parliament scrutinise individual nominees, the college has traditionally been voted over as a whole only minor changes have been made to these provisions following changes in the Treaty framework. When the President of the Commission gained the power to reshuffle portfolios during the elected term of the Commission, the EP adapted its procedures and if such a shift is undertaken, the Commissioners in question will be asked to appear before the committees responsible for their policy area for questioning. Unlike the hearing of the President, the hearings of the candidates are public (European Parliament 2003). How were the Rules of Procedure applied in the nomination and election of the Prodi and Barroso Commissions?

#### **4.2.2 Nominating Prodi**

The first post-Amsterdam nomination of a Commission took place under rather special circumstances. The previous Santer Commission had been forced to leave office after allegations of fraud and mismanagement. Following damaging reports from both the Court of Auditors and a special committee set up within the EP, the Commission chose to resign its post as the EP prepared to make use of its right to censure (Nugent 2001:53-55). I will not go into detail on these proceedings, merely point out that the resignation followed a clear indication that a vote of censure would be held, not a actual vote.

A new Commission had to be instated. The heads of state and government chose to nominate his successor and his team for a full new term, and not just for the

remainder of Santer's term (Dinan 2000:29). Prodi surfaced as the ideal candidate. According to the unofficial rota it was time for a President from a centre-left political background and from a southern member state (Dinan 2000: 29). Furthermore, he had the sought after political experience (Nugent 2001:67). The appointment of Prodi was seen to represent "a desire on the part of the member state to rejuvenate the institution by providing it with the leadership lacking under his immediate predecessor" (Kassim & Menon 2004: 29). Doing so they had equipped the Commission with the resources to perform its tasks rather than weakening it.

The Parliament initially wanted the nomination of the new candidate to take place after the European Parliament election of June 1999 in order to make dependent on the outcome of the elections (Spence 2000: 6). They were not granted this privilege. However, once Prodi was nominated, the Parliament overwhelmingly approved Prodi's candidature (392 in favour against 72 negative votes and 41 abstentions), even though he did not represent the largest party-group. They did however attach a resolution referring to an approval only for the remainder of Santer's term (Jacobs 1999:15). Prodi rejected this claim and threatened to resign if the Parliament insisted. The Parliament backed down (Nugent 2001: 68).

The Amsterdam Treaty had strengthened the President of the Commission's role in the nomination process, giving him the power to allocate the portfolios amongst the Commissioners. The member states still maintain the right to nominate the candidates. Prodi had indicated that he would create portfolios and then seek candidates to fill them, not the other way around (Spence 2000: 7). However, most member states acted like they had done previously, not paying too much attention to the President-elect (Dinan 2000: 29). As Neill Nugent points out, Prodi might have persuaded a few countries to reconsider their candidate, but there is not a single candidate that owed Prodi his or her position as a Commissioner (2001: 83). Though some conflict arose amongst the member states (Spence 2000:7), the allocation of portfolios amongst the candidates was an easier task than it had been earlier, given the President's increase in influence over the process (Dinan 2000: 30). Prodi further

strengthened his position within the college by having the Commissioners agree to resign if he wished them to (Nugent 2001: 56). I will return to this.

Having failed to change the date for the nomination of the future President of the Commission, the President of the now largest party-group in the Parliament, Wilfred Martens, attempted to the Parliament assent dependent on a majority of centre-right Commissioners (Spence 2000: 6). The Parliament requested that the nominees to appear before Parliamentary committees defending their position in the College. Prior to this they had to hand in questionnaires dealing with their portfolio and the Commission as a whole. The hearings went relatively smoothly with only a few Commissioners being put under pressure (Nugent 2001: 85). Going beyond the Treaties, the Commissioner-nominees had to state that they were ready to resign if asked by their President (Spence 2000: 8). After the hearings, President-elect Prodi met with the political leaders of the political groups in the Parliament's Committee of Presidents. Assuring them that he would reconsider the position of a Commissioner if the Parliament passed a vote of no confidence, the Parliament endorsed the Commission as a whole in a plenary session with 414 votes against 135, with 35 abstentions (Nugent 2001: 86).

#### **4.2.3 Nominating Barroso**

Following the ratification of the Treaty of Nice, the Council nominate the President of the Commission by QMV (Treaty of Nice 2001). According to the unofficial rota, a right-of-centre candidate from a smaller member state would succeed Prodi (Dinan 2005: 49). Barroso was far from the first choice. Prior to his nomination, several candidates had been up for discussion in the European Council. Amongst others, the names of former Belgian Prime Minister Jean-Luc Dehaene, Belgian Prime Minister Guy Verhofstadt, his colleague from Luxembourg Jean-Claude Juncker and External Relations Commissioner Chris Patten were put forwards (Dinan 2005: 49-50, Spence 2006: 32-33). With France opposing Patten and Britain opposing Verhofstadt, Barroso emerged as an 'ideal alternative' (Dinan 2005: 49-50; Bache & George 2006:

214). As Dinan pointed out, the national leaders were not looking for a new Delors. Nobody wanted a situation where they were 'overshadowed' by the Commission President or where the Commission was in the driver's seat of European integration (Dinan 2005: 54).

The debate preceding the nomination of Barroso illustrated that the selection was no longer the sole prerogative of the Council, but that the candidate also needed to reflect the results of the EP elections (Christiansen 2006: 111). As the EPP/ED emerged as the largest political group in the June 2004 elections they demanded the result to reflect this (Beukers 2006: 24). In the end this was the result, but as seen, a centre-right candidate was the natural successor to Prodi (Westlake 2006: 266). This prerogative would however been granted the Parliament had the Treaty establishing a Constitution for Europe (2004) been ratified in the members states. At the time the Parliament voted over the President-nominee, the Treaty was still on the table. The Parliament approved Barroso's nomination with 413 votes against 251 (Dinan 2005: 51).

The allocation of portfolios in the College was done differently by the incoming President than the previous. Barroso surprised the national leaders when assigning the portfolios in his college. He did not give in to the pressure from the larger member states by allocating their Commissioners the more important portfolios (Bache & George 214). Though both the French and the German Commissioners were made Vice-Presidencies, they were allocated the transport portfolio and the portfolio for enterprise and energy, hardly the most influential positions. According to Dinan, this helped Barroso 'establish his authority' with the new Commissioners and some of the national leaders (Dinan 2005: 52).

Though Barroso himself was approved by a large majority by the Parliament, he had great difficulties gaining the support for his College. As stated in the Parliament's Rules of Procedure, the nominees were requested to appear before the committee in

charge of their respective portfolios for hearings. The Parliament raised a number of issues<sup>8</sup>. However, it was the Italian candidate, Rocco Buttiglione's hearing that received the most attention. As he appeared to defend his nomination as Commissioner for Justice, freedom and security he made remarks that did not go down well with the committees in charge. The process resulted in a vote<sup>9</sup>, a novel invention. Buttiglione was voted down. As the Parliament can only give a vote on the Commission as a whole, the committee made the decision for the whole Parliament. This thus went far beyond the provisions granted the EP through the Treaties.

The Parliament sent Barroso their evaluation of his nominees. He met with the conference of Presidents trying to come up with a compromise. The political groups made their demands and Barroso in his attempt to broker an agreement and gain the support of the majority of MEPs offered to reshuffle some of Buttiglione's responsibilities. In the following plenary session Barroso had to admit defeat and postponed the proposal for his team (Beukers 2006: 27-34). As the European leaders gathered to sign the Constitutional Treaty, Barroso managed to forge an agreement between the member states of a new list of nominees with a new Italian candidate. The Latvian candidate later withdrew and the Hungarian was assigned a different portfolio. A new round of hearings were held in the Parliament, and this time his whole team was approved (ibid.: 35).

#### **4.2.4 Interinstitutional agreements**

Following both the Prodi Commission investiture and the Barroso Commission investiture, the EP and the Commission signed inter-institutional agreements

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<sup>8</sup> For the Dutch candidate for the competition portfolio, Neelie Kroes, questions were raised about her independence. As for the Greek nominee for the environment portfolio, the committee expressed doubt about his willingness to promote environment vis-à-vis business. With Laszlo Kovacs, the Hungarian candidate for the energy portfolio, the parliament committee criticized his lack of preparation and his competencies on the field. The Danish nominee, up for the agriculture portfolio was questioned about a possible conflict of interests and the Latvian Ingrida Udre, intended the Taxation and Customs Union portfolio was questioned about her party's finances (European Parliament 2004).

<sup>9</sup> The chairmen of the committees are responsible for writing a report summarising the viewpoints of its members after a hearing. As the members of the committee questioning the Italian candidate could not agree, and the matter was referred back to the committees' members who decided to call for a vote.



mapping out the relations between the two institutions. The inter-institutional agreements claim to “*strengthen the responsibility and legitimacy of the Commission*” by holding them more responsible towards the Parliament (European Commission and the European Parliament 2000; 2005). In both cases the role of the Parliament and its influence over the Commission was strengthened and go far beyond their formal role (Kietz & Maurer).

The Parliament laid claim on a broader investiture procedure than what was instated with the Treaty of Amsterdam in the following inter-institutional agreement. Though the Treaty only provided the Parliament for the power to hold the President responsible for the policies of the college, the Parliament and the Commission agreed to extend this to the Commissioners as well “*Without prejudice to the principle of Commission collegiality, each Member of the Commission shall take political responsibility for action in the field for which he or she is responsible*” (European Commission and the European Parliament 2000). This also would also apply in case of a reshuffling of portfolios during the Commissions term of office. Furthermore, the Commission agreed to extend the Parliament’s influence to also include a possible negative vote “*The Commission accepts that, where the European Parliament expresses lack of confidence in a Member of the Commission (subject to the substantive and representative nature of the political support for such a view), the President of the Commission shall examine seriously whether he should request that Member to resign*” (European Commission and the European Parliament 2000).

The revised framework agreement following the Barroso Commission’s election into office is largely the same. It introduced a new procedure in case a Commissioner has to leave office, committing the President to include the Parliament in its replacement according to its prerogatives (European Commission and the European Parliament 2005). Interestingly, the Parliament’s influence was not extended to include a vote of confidence on individual Commissioners.

### 4.3 Change as internal leadership

In what way is the special role of the President reflected in the way the Commission works and how has the capacity of the Commission President been adapted to fill his new role? Has there been an increase in the resources available? Furthermore can the strengthening of the Presidency be seen in internal reforms? I will review the President's role in the internal Rules of Procedure to the Commission, the resources available for him to fill the role of political guide. First, a short comment on the recent reform processes in the Commission.

Following the Santer Commission's resignation, his successor Romano Prodi took office on a platform of reform. The reform process, completed in 2004, dealt, amongst other things, with administrative practices and the culture of the Commission (Commission 2000c; Stevens & Stevens 2006: 63-78). However, there are no signs of a continuous reform process within the Commission. Reform of the internal hierarchy of the Commission and its relationship with the EP were dealt with through internal arrangements within the Commission, through interinstitutional agreements and through the upcoming Treaty reform, all of which are dealt with above (Christiansen 2006: 112).

#### 4.3.1 Commission adaptation: Rules of Procedure

The Amsterdam Treaty strengthened the Presidents role in shaping the policies of the Commission by awarding the incumbent the right to lay down the political guidelines. The RoP of the Commission were adapted to reflect this "*The Commission shall act collectively in accordance with these Rules and in compliance with the political guidelines laid down by the President*" (European Commission 1993; 1999b). Based on these, the Commission would establish its priorities and adopt yearly work programmes. As the Barroso Commission was instated they adapted their working mode to also include the formulation of multi-annual strategic goals (European Commission 2005). Furthermore, the newly instated powers of political guidance were interpreted to include the possibility of establishing groups of Commissioners

(European Commission 1999b). I will return to this in the following section. The procedural framework was also adapted to include the presidential prerogative of the allocation and reallocation of tasks within the Commission. Though strengthening the position of the President, these changes were only formally adopted after the Treaty revision.

The President sets the agenda (and may keep topics off the agenda). He convenes and chairs the meetings of the College. The RoP furthermore states that he represents the Commission. In this capacity he may attend meetings with other bodies, such as COREPER and meeting of the Permanent Representatives of the member states. He represents the Commission in meetings with the Presidents of the Council and of the EP as well as informal meetings with the Heads of State and Government (European Commission 1999b; 2005; Nugent 2001: 70). These provisions contribute to the internal hierarchy of the Commission.

On the other hand, the internal guidelines for the Commission continue to emphasise collegiality. Though the President is awarded the power to shape the overall strategy, the Commissioners still enjoy broad discretion over their respective policy fields, and the President is not awarded an additional vote if the college decides to vote over an issue. Any member of the college can call for a vote (European Commission 1993; 1999b; 2005).

Following the Treaty revision in Amsterdam, the President allocates and may reallocate the portfolios of the Commissioners. The Rules of Procedure were adapted to reflect this (European Commission 1999b). Going even further, the Commissioners in the Prodi Commission agreed to leave office if asked to by the President. This arrangement appeared in the Code of Conduct for the Commission, a part of the broader reform process undertaken by Prodi and his Commission. This appeared as an annex to the Rules of Procedure of the institution (European Commission 2000b). Thus when this was codified at Nice no changes were made to the Rules of Procedure. Neither do they specify any procedure is this was to occur. It can therefore be said that this preceded the treaty revisions.

### **4.3.2 Commission adaptation: leadership resources**

As the Prodi Commission took office, the President was able to set up working groups within the Commission<sup>10</sup>. These were named Commissioners' Groups (European Commission 1999b). The objectives of the groups were to prepare and co-ordinate the activities of the Commission, taking into account the priorities of the Commission and under the political guidance of the President. The President of the Commission decides on the composition and mandate of the groups and may chair them himself or bestow it on another member of the Commission (European Commission 1999c). Christiansen has pointed out that the creation of Commissioner's Groups has served to strengthen the Commission Presidency. As the groups bring together a number of Commissioners on areas of Commission policies the horizontal coordination is improved. By attending and chairing these, they improve the President's potential for control over the College (Christiansen 2006: 114).

President Prodi had five such groups set up. He chaired two of them himself, the Growth, competitiveness, employment and sustainable development-group and the Equal opportunities-group. The remaining three groups, the reform-group, the group for interinstitutional relations and the groups charged with External Relations were all chaired by Vice-Presidents, Kinnock, de Palacio and Patten respectively. In addition, all groups had both permanent members and were open to other Commissioners if needed (European Commission 1999d).

As Barroso put his team together he launched five such informal groups. Two of these he chaired himself, one on the Lisbon strategy and the External Relations-group. A group on communications and programming, a group for equal opportunities and, a Group of Commissioners for the Competitiveness Council were

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<sup>10</sup> These are by no means the only leadership resources available to the Commission Presidency. However, as the formal scope has been chosen, the adaptation of the change in formal provisions are presented.

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also set up led by Vice-President Wallström, Commissioner Špidla and Commissioner Mandelson respectively (European Commission 2004).

A similar institutional setup exists within the Commission's services. The Forward Studies Unit, better known by its French name, *Cellule de Prospective*, was set up as a directorate within the Secretariat General during Delors' Presidency. The group was a think tank charged with research and forward planning, concentrating mainly on coordinating Commission policies (Nugent 2001: 152). As Romano Prodi took office he broadened the role and tasks of the unit in order to further his capacity to lead the Commission. Renaming it The Economic and Political Council, he strengthened its ability for political analysis in order to "assist me as President in developing and implementing policies" (Prodi 2000). He later renamed it the Group of Policy advisers (GOPA) (European Voice 2005). The institutional structure was thereby adapted to help the President fulfil his function as political guide.

The structure was continued during Barroso's Commission under the name Bureau of European Policy Advisors (BEPA). It is now a separate unit within the Services; the think tank reports directly to Barroso and acts under his authority. It cooperates closely with the Presidents *cabinet*. The group assists and provides advice for the President. It may also assist the Commissioners and the other DGs where appropriate. Its functions range from appraising policy options to writing the speeches for the President as well as analysing present policies (Bureau of European Policy Advisors 2007). Similarly to the Commissioner's Groups the think tank thus helps the President in leading the Commission. By providing analyses and helping coordinate the Commission's work BEPA can therefore be thought to strengthen the President's capacity to influence the work of the Commission. On this mark, I move to the analysis.

## 5. The Commission between integration and organisational dynamics

Why have we seen a strengthening of the Commission Presidency and a growing dependence on the European Parliament by the European Commission? Can it be seen as a process driven forward by states as rational actors or by the European institutions adapting their roles? Is it perhaps part of a larger trend? In this chapter I will apply the theoretical framework on the data looking to see if the perspectives presented can help shed light on the empirical findings. To what extent do they produce credible explanations for the Presidentialisation and Parliamentarisation of the European Commission?

The analysis will be presented in three parts. The first section will analyse the processes in light of intergovernmental theory and the assumption of the states as the primary actors. The second will view the Presidentialisation and Parliamentarisation through rational choice institutionalism and seek explanations through the utility maximising behaviour of institutions. In the third and final section I will evaluate the processes at hand through the perspective of organisational environment. To what extent can they be viewed as reflections of legitimised organisational forms in the broader society?

### 5.1 Presidentialisation and Parliamentarisation as state driven

Revisiting the assumptions of intergovernmental theory we see that we can expect the Presidentialisation and Parliamentarisation of the Commission to be a state run process. The European institutions serve as means for the member states and have little influence over the integration process. How can these postulations shed light on the data presented in *chapter four*? To what extent has Parliamentarisation and Presidentialisation been driven forwards by Treaty negotiations? To what extent do

they reflect the opinions of the member states, and more importantly, to what extent has the opinions of the institutions been left out of the Treaty framework? These are essential questions when viewing the processes through the eyes of intergovernmental theory.

### *Enhancing the efficiency of the Commission*

As seen in *chapter three*, three indicators have suggested a strengthening of the Presidents role within the European Commission: the Presidential prerogative to set out the political guidelines of the Commission's work, the Presidents prerogative to allocate and reallocate portfolios amongst the Commissioners and the Presidents power to ask a Commissioner to leave office. In the following section I will argue that these processes may be seen as cases of institutional design negotiated through the intergovernmental conferences.

In line with the assumptions that institutions are set up insofar as they help inter-state cooperation, functional arguments were employed as the President of the Commission was granted the prerogative to lay down the political guidelines for the Commission. As seen, these provisions have further been used to increase the resources available for the President to lead the College, thus strengthening his position vis-à-vis the member states. How can this be seen as the will of the member states? The arguments put forwards by the member states were mainly with regards to the efficiency of the institutions and are evident in the conclusions of the Council Presidencies. The data presented in *chapter four* suggest that the strengthening of the President's position was closely linked to the size of the Commission. A stronger President was introduced as a remedy to uphold the efficiency in a Commission with one Commissioner per member state, even after enlargement. The strengthening of the Commission President would therefore postpone the reduction of Commissioners, and each member state could therefore keep its commissioner. Thus, it may not be seen to weaken the member states, but a means to enable them to uphold their national influence over the Commission.

Moreover, the continued emphasis put on collegiality as a value for the Commission, by both the member states and the Commission itself, may indicate that the strengthening of the Commission Presidency was more of administrative reform, introduced to keep the efficiency of the Commission, than a strengthening of the political position of the President per se. The data further suggest that the introduction of this prerogative should not be taken to be an isolated process, but should be seen as part of a wider range of reforms to strengthen the efficiency of the Commission.

The extension of the Presidential prerogatives to include the nomination of Commissioners, as well as the allocation and reallocation of portfolios, made the President a formal part of electing the college. One might argue that this significantly increases the position of the President as he may, together with the Council (and the Parliament), decide on the composition of the Commission. Can this be explained by viewing the member states as the more important actors? By reviewing the data of *chapter four* we see that this prerogative has been strongly coupled with the strengthening of the President's ability to lead the work of the Commission. Member states argued that this is necessary for the Commission to be able to fill its functions. As such, it can be viewed as institutional design in the sense that they were both awarded the President in order for him to better steer the work of the Commission, and in doing so, making it a more efficient body.

The influences of the Commission President have also been limited. Though the President will enjoy a larger say, the member states still retain the power to put names forward for the position of Commissioner, and their nomination is based on nationality. They are therefore still largely a part of the process. As seen with the Prodi Commission, the member states largely ignored Prodi when tabling candidates. Thus the yielding of this prerogative to the President may not have been the most important. By strengthening the President the member states may have created a more efficient procedure for the nomination of the Commission. By reducing their own role, they may have made it easier to come to an agreement, and at the same time,



making it possible to weigh factors such as sex and competence against each other. However, as seen with the Barroso Commission, the nomination process was to a larger extent done contrary to what the member states might have expected. Not primarily with the nomination of the Commissioner, but when awarding the portfolios.

With the Treaty of Nice the President of the Commission was awarded the power to ask a Commissioner to leave office. A simple explanation for the extension of the Presidential prerogatives would be that this reflected the crisis preceding it, namely the resignation of the Santer Commission. Such an institutional interruption can hardly be said to be in the interest of the member states, and by granting the President this privilege one could avoid a similar situation in the future. The extension of the Presidential prerogatives may therefore be seen as institutional design. However, this was not a novel invention. It had already been tabled at Amsterdam, but been kept out of the Treaty framework. Neither was it an issue as the Nice IGC was initiated. As seen in *chapter four* it was only added to the agenda after the institutions had been consulted. On the other hand, the data can not exclude the possibility that this was driven forward by the member states. This raises a number of questions, and I will return to this in the following section.

Though the President of the Commission obtained the power to dismiss individual Commissioners, he still has no function in finding a replacement. The member states have retained this power. This significantly reduces the President's opportunities of using this prerogative to shape the Commission to his preferences. However, this prerogative has never been used, and any suggestion for how this would take place is mere speculation. On an interesting note, the Parliament was not awarded a prerogative to conduct a vote of censure on individual Commissioners, but only kept its possibility to vote over the Commission in its entirety. I will return to this in the following sections.

The empirical findings of *chapter four* shows that the Commission and the Parliament have argued for a strengthening of the Presidential prerogatives. The

official opinion of both the Commission and the Parliament to the Amsterdam IGC and the Nice IGC show that they have sought to bestow the Commission President with a larger say in both the policies and the composition of the Commission. As this was granted in the Treaty revisions, one might suggest that the European institutions have been of influence to the processes. In line with intergovernmental theory we can draw a different conclusion. The Commission Presidency has gained influences through its Rules of Procedure, the prerogative to guide its own work through these working arrangements has been granted the Commission as a whole by the member states. Furthermore, the data suggest that the European institutions may get their preferences through so long as they coincide with the interests of the member states. If they don't, they are left out. The Parliamentarisation of the relationship between the Commission and the Parliament is an example of this. I will elaborate on this in the subsequent section.

### *Limiting Parliamentarism*

Previous to the Amsterdam and Nice Treaties, the Parliament only enjoyed a negative power over the Commission, as it was able to conduct a vote of censure on the Commission. With the Treaty revisions in question, the Parliament was granted the power of positive investiture, enabling it to vote on the Commission President as well as the Commission as a whole. How can the increasing parliamentary prerogatives be interpreted in light of intergovernmental theory? Does the data support the assumption of the primacy of the member states?

The data suggest a rather different explanation for the Parliamentarisation of Commission-Parliament relations than the strengthening of the Commission. Unlike the size and composition of the Commission, the role of the Parliament in the Commission nomination procedure was less of an issue as the member states set out to revise the Treaties (though the position of the Parliament in the Union was an important issue). There was a broad agreement to strengthen its position. Nonetheless, the European Parliament has been seeking a stronger role for itself. Throughout the later Treaty revisions, the Parliament has called for a stronger role,

and they have been granted a stronger role. This might be seen to negate the postulations of intergovernmental theory. However, the data calls for a more nuanced picture.

In the opinions delivered by the Parliament we see that they have sought to be able to dismiss Commissioners as well as for the Commission to ask for a positive vote of investiture by the Parliament. Both would increase the parliamentary traits of the Commission-Parliament relations significantly. Neither demand was granted through the interstate negotiations. Employing intergovernmental theory it may therefore be suggested that the Parliament ambition has been successfully reduced, and the Parliament has only been granted the power and functions the member states wish to bestow on the body.

Furthermore, as seen, the Parliament has sought a stronger role for itself in the nomination of the Commission President, asking for the prerogative to elect him based on a list of candidates nominated by the member states. As seen from the IGC preceding the Treaty of Amsterdam and the IGC preceding the Treaty of Nice, though emphasised in the official opinions of the Parliament, this was not put on the agenda by the member states. This may suggest that even though the Parliament has called for a stronger role, and has to an extent been granted a stronger role, the role of the Parliament has been significantly less influential than what they have called for. As seen in *chapter four*, it is the prerogative of the member states to define this role. The data may therefore be seen to support the assumption of the primacy of the member states in the IGC and their prerogative to limit the influence of the institutions, corroborating the postulations of intergovernmental theory. However, the data does not offer any explanation as to why the EP was granted a more influential role. I will return to this in the following sections.

### *The salience of issues*

Common to the reforms strengthening the position of the President and making the Commission more dependent on the Parliament is that the issues were all resolved in

the very last phases of the intergovernmental conferences. As seen in *chapter four* the European institutions have little say in the final phases of the negotiation process. The data has further shown us that the topics cleared in this phase are questions where little agreement has been met throughout the previous interstate negotiations. This corroborates the intergovernmental perspective as it supports the primacy of the member states when setting up and renegotiating the mandates of the European institutions. As the analyses above point out, in this process the member states have chosen to accommodate the wishes of the institutions, but have also chosen not to.

Though the extension of the Presidential prerogatives may be viewed as a salient issue, and to a certain degree has strengthened the institution vis-à-vis the member states, it was coupled with even more salient issues, and topics even more sensitive with regard to member state sovereignty such as the number of Commissioners and the possibility to designate national Commissioners. Thus it looks like the member states may have chosen one over the other. The process surrounding the Parliamentarisation of Commission-Parliament relations is rather different. The member states were in agreement on a wish to strengthen this dependence as the Amsterdam negotiation round was initiated. Moreover, the data suggest that this was less of an issue, or at least an issue where the member states were more in agreement. Furthermore, the arguments used for the strengthening of the Parliament's prerogatives are tied up to the legitimacy of the Commission, and the documents analysed show that the more important issue was whether or not to make individual Commissioners dependent on the will of the Parliament. As seen, the Parliamentary prerogatives were not extended that far. Moreover, the strengthening of the EP may go against a wish to make the Commission a more efficient body. This leads us over to the inter-institutional relations. I will elaborate on this in the following section.

### *Limits to intergovernmentalism*

As seen in the hypotheses in *chapter two*, intergovernmental theory presupposes that the Treaties guard the work of the institutions and that the working arrangements of the institutions reflect agreements between the member states. Though the increasing

influence of the institutions can be defended on the basis of intergovernmental assumptions, the institutions are not awarded any influence on their own. Intergovernmental theory therefore falls short on explaining the adaptation of the formal framework undertaken by the European Commission and the European Parliament through their working arrangements and inter-institutional arrangements.

Moreover, intergovernmental theory presupposes that the IGCs are the arenas for change and where decisions on the functions of the institutions are taken. As the data show, the Treaty revisions were merely a formalisation of the President of the Commission's right to ask a Commissioner to leave, as this had already been put in place with agreements between Romano Prodi and his Commissioners. Furthermore, the Commission-Parliament relations are not only guarded by the Treaties, but also inter-institutional agreements. For a full understanding of the Presidentialisation and Parliamentarisation of the Commission we therefore need to supplement this perspective with a perspective that broadens the intergovernmental assumptions on actors and arenas.

## 5.2 Presidentialisation and Parliamentarisation as institution driven

As seen in *chapter two*, institutional theories extend both the intergovernmental assumptions of actors and arenas. How can these assumptions shed light on the processes of Parliamentarisation and Presidentialisation? How can the perspective add to our understanding of the processes? Employing the postulations of rational choice institutionalism I will analyse whether the Commission and Parliament used the intergovernmental conferences to extend their position. Furthermore employing their extended assumptions of arenas, I will seek to explain the two processes by the way the Parliament and the Commission have adapted the formal provisions in their working arrangements, focusing particularly on the working arrangements of the Commission and the inter-institutional arrangements between the Commission and

the Parliament. To what extent does the data corroborate the assumption of utility maximising institutions?

### **5.2.1 Presidentialisation as rational action**

As seen in *chapter three* and *chapter four* the President of the Commission has seen a broadening of his prerogatives. To what extent does the data corroborate the assumption of the Commission as a rational actor? To what extent has the Commission used the intergovernmental conferences and its working arrangements to extend the mandate and strengthen the Presidential traits of the Commission? By reviewing the processes, both formal and informal connected to the extension of the Presidential prerogatives I will show that the intergovernmental assumptions need to be extended in order for us to understand these processes.

As seen above, the President's role within the Commission was significantly strengthened with the Treaty of Amsterdam. The incumbent gained the power to lay down the political guidelines for the work of the Commission, take part in the nomination of the Commissioners, and allocate and reallocate the portfolios amongst them. How can this be explained? The data show that the Commission argued for the inclusions of these prerogatives based on the efficiency of the Commission and the possibility for the President to weigh different interests. Furthermore, the data show that the member states called for the strengthening of the Commission and included the topic on the agenda for the intergovernmental conference. Thus we can not isolate the extension of the Presidential prerogatives to the Commission. Though this may not exclude the possibility for the Commission to be influential in the results of the negotiation round, we need to take a look at the way the Commission adapt these provisions to seek verification of the perspective.

#### ***Political guide or administrative leader?***

To what extent does the implementation of the Treaty framework suggest that it has been used to strengthen the position of the President? The Commission's working

arrangements show a gradual increase of resources for political guidance. However, for the President's role in setting the political guidelines for the Commission, these adaptations of their working arrangements have followed Treaty revisions. Corroborating the assumption of the Commission as a rational actor, they may be seen to extend the formal mandate. As seen in *chapter four*, Prodi used this provision to set up the Commissioners' groups. These groups may be seen to enhance the President's influences the policies and his ability to steer the work of the Commission. They may increase the President's ability to engage in the policy fields of the Commissioners. As the data show, he further strengthened and altered the mandate of what is now known as the Bureau of European Policy Advisors. These changes may be expected to increase the President's influence and possibilities to set the future goals for the Commission. The Treaty provisions do not specify any structural adaptation of these and do not state that the establishing of new groups. The adaptation of the formal provisions may therefore be said to have significantly increase the powers of the Commission Presidency. Thus they may be viewed as a strategic adaptation. However, the data does not allow for the elimination of the possibility that the member states foresaw this.

The Rules of Procedure further call for a more balanced picture of the President's role within the college. Though the working arrangements support the image of a strong President, collegiality is highly valued within the Commission. The President leads the work of the Commission, but the College as a whole is still held responsible. Moreover, the data show that if a vote is called for within the college, the President is only given one vote. As seen, the Commissioners enjoy a large influence over their portfolios. Again, this may suggest a more administrative reform than an actual transference of political power to the President. I will return to this in the following section.

### *Securing collegiality*

Collegiality was used as an argument as the Commission sought for the President to gain the power to nominate, allocate and reallocate portfolios amongst the

Commissioners. This significantly increases the President's influence over the college. The Commission argued that this would "*better ensure collegiality*" and it would enable the President to weigh different interests. How were these new influences applied? As *chapter four* shows, the working arrangements of the Commission were adapted to include the new prerogatives. Conversely, the data suggest that Romano Prodi's influence over the nomination of his college may have been weaker than the formal provisions provided for. On the other hand, Barroso enjoyed a larger say as he put together his college. Interestingly neither Prodi nor Barroso used this process to stretch their mandate with respect to their role in the nomination process. As will be shown in the following section, Prodi extended his position in other respects. Moreover, the data suggest a significant role played by the European Parliament in these procedures. I will return to this below.

The data does not give any support for the role of the President in the reallocation of portfolios. There is no indication that this provision has been used actively to change the profile of the Commission. If we look away from the rearranging of policy areas as a consequence of the enlargement process, and the voluntary resignation of Commissioners resuming other posts, it has yet to be put to use<sup>11</sup>. It is therefore difficult to predict how this would be done. Furthermore, the role of the Parliament in this procedure is not yet clear.

### *Presidentialisation through individual agreements*

Though Prodi did not extend the prerogative of the President to nominate Commissioners, the putting together of the Prodi Commission introduced a new practice. As the data show, Prodi had his Commissioners agree to step down if asked to by the President. It was also a demand of the Parliament as they voted over the Commission. At the time, this did not have any formal backing, but was subsequently

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<sup>11</sup> In addition to the Commissioners from the the ten new member states, five Commissioners left the Prodi Commission to take on other post as their term drew to its end (European Commission 2006). With the Barroso Commission rearrangements were made to award postfolios to the Bulgarian and Romanian Commissioners following the 2007 enlargement (European Commission 2007).



included in the Rules of Procedure of the Commission. Furthermore, it was included in the inter-institutional agreement between the Commission and the Parliament. This corroborates both the assumption of the Commission as a rational actor as well as the assumption of the Parliament as a rational actor. As seen in the following negotiation round with the Treaty of Nice, the role and functions of the Commission Presidency was put on the agenda after consulting the institutions. Both the Commission and the Parliament argued for the formalisation of this practice, and as the IGC drew to its end, the provision was included in the formal Treaty framework. Thus we see that the intergovernmental negotiations were a mere formalisation of established practices. Moreover, we see that the President of the Commission successfully used his position in the nomination process to extend his mandate, corroborating the assumption of institutions as rational actors. Furthermore, this process highlights inter-institutional relations as a mechanism for the strengthening of the positions of the institutions. I will return to this in the following section.

### **5.2.2 Parliamentarisation as rational action**

As seen in *chapter three and four* the Commission's dependence on the Parliament has been significantly strengthened with the Treaty of Amsterdam and the Treaty of Nice. Both the Commission President and the Commissioners have been made dependent on a positive vote in the Parliament, and with the Barroso nomination the Parliament elections influenced the outcome. However, as seen in the analysis above, the member states have been rather reluctant to give in to the aspirations of the Parliament. As with the Commission we need to look at the adaptation of the formal provisions and see to what extent the mandates have been widened to isolate the effect of the institution.

Applying the assumptions of rational choice institutionalism we need to analyse how the Parliament has employed less formal means to strengthen its position. Furthermore, we need to analyse the Parliament's interaction with the Commission. To what extent does the data corroborate the assumption of the Parliament as a

rational actor? To what extent has the formal provisions been extended as they adapt the Treaty framework? More importantly, how have the mandates of the Parliament been widened as they interact with the Commission? By reviewing the data I will show that the intergovernmental assumptions need to be extended.

### *From assent to investiture through informal adaptation*

Though the Parliament has not been granted the role it has asked for in the nomination procedures, the process still yields some interesting findings for the organisational dynamics of the European Union. How have the institutions extended this role? The Treaty of Amsterdam formalised an already established arrangement between the European Parliament and the European Commission. A parliamentary vote on the President-nominee was incorporated into the Treaties. Such a vote had already taken place as the Santer Commission was instated. (Had he been voted down, the Parliament would have asked the member states to nominate a new candidate.) The data therefore suggests a process alternating between formal negotiations and informal adaptations for the changing role of the Parliament in the nomination of the Commission. Furthermore, this process yields information on the relationship between the Commission and the Parliament. As seen in *chapter four* both institutions had argued for this procedure to be formally adopted, the Parliament to strengthen its role and the Commission to enhance their legitimacy. I will return to this argument below.

Can the data verify the hypotheses that the Parliament will use working arrangements to extend its formal mandate? The data show that the working arrangements of the Parliament have been adapted following Treaty revision. As the role of the Commission Presidency was strengthened, the Rules of Procedure of the Parliament and the inter-institutional agreement between the Commission and the Parliament were amended. The political role of the President was reiterated in the inter-institutional relations. Following the Amsterdam Treaty, the President was expected to present his working programme before the Parliament prior to their vote, extending the formal provisions. Thus we see the inter-institutional arrangements are making

the Commission potentially more politically dependent on the Parliament than the formal framework would entail.

### *From collective to individual accountability?*

The Parliament has moved to include a vote of approval on individual Commissioners in the formal framework. Such a prerogative has been kept put of the Treaty framework, but interestingly the working arrangements of the Parliament and the inter-institutional agreements have been revised to strengthen the position of the Parliament. However, these have not gone as far as to indicate an investiture procedure for individual Commissioners. Going beyond the formal framework, we see that the Rules of Procedure of the Parliament and the inter-institutional arrangements have made the Commissioners more dependent on the will of the Parliament. As the Prodi Commission was instated, the Commissioners-nominees were asked to appear before the Parliament committees in charge of their respective policy fields for hearings. On the other hand, the College was voted over as a whole. As *chapter four* shows, the Commissioners were voted over as the Barroso Commission was instated, resulting in one committee voting down a candidate, and the Parliament subsequently asked Barroso to present a new candidate. Unlike previous procedures, a vote on individual Commissioners was neither included in the Rules of Procedure of the Parliament nor the inter-institutional agreement. The inter-institutional agreements increase the dependence of the Commissioners on the Parliament, but there has been no agreement on a vote between the two institutions. Moreover, the Commission continue to emphasise collegiality in their relations to the Parliament. Thus we see that the data corroborates the assumption that the institutions act rationally to strengthen their position, but that they may not seek the same results. I will return to this in the following section.

On an interesting note, though these arrangements claim to have made the Commission more politically dependent on the will of the Parliament, none of the candidates voted over by the Parliament were voted down based on party politics. The two candidates rejected in the Barroso Commission were so based on accusations

of incompetence and discrimination, not policies. The hearings are not based on ideology, but competences. Further questioning the parliamentary nature of these relations is the reaction that these procedures evoked. It was not seen as a parliamentary system in the making and a Parliament enforcing its right; it was seen as an institutional crisis. I will return to this in the following section.

### *Political accountability?*

The Barroso nomination introduced a procedure that would make the Commission more politically dependent on the Parliament. As seen with the Prodi nomination, the Parliament sought to postpone the nomination of a candidate for President till after the 1999 Parliament elections, making the nomination dependent of the election results. This would have significantly strengthened the parliamentary traits of the Commission-Parliament relations. As seen in *chapter four* the date of the nomination was kept, but the Parliament nonetheless approved Prodi's candidature. As Barroso was nominated, this was altered. The candidate for President would first be put forwards after the 2004 European elections indicating that the results would influence the choice of candidate. As seen, Barroso emerged as a candidate, closely connected to the EPP/ED, the now largest party group of the European Parliament.

However, the data can not exclusively isolate Barroso's nomination to the EP elections. As the data show, he was far from the first candidate, and not only did he reflect the Parliament election results, he also filled the criteria of the unofficial rota for the Commission Presidency. Moreover, at the time of the Barroso Commission election the Treaty establishing a constitution for Europe was still on the table. Had it been ratified by the member states the Parliament would have been granted this prerogative (as seen in *chapter three* this prerogative has been continued in the Reform Treaty). Thus as it stands, it was introduced prior to formalisation, but this factor makes it difficult to isolate this to the innovative use of the formal framework by the Parliament. If the practice is continued, it will significantly move the Union towards a Parliamentary system. However, as seen above, ideology and party politics

has been less of a factor than one might expect in the parliamentary systems of the member states.

### *Institutional equilibrium*

Parallel to the claim of a stronger role in the Commission nomination procedure, the Parliament has called for the power to call a vote of no confidence on individual Commissioners. Common to the increase in influence over the investiture procedures, this has also been kept out of the formal framework, but been introduced through the inter-institutional agreement between the Parliament and the Commission. As the data show, the Parliament has called for such a prerogative for itself and for the Commission President even prior to the Santer crisis. Though the President of the Commission was granted this prerogative at Nice, the Parliament was not. The informal arrangement precedes this. As Prodi sought the approval of his college he agreed to consider the position of the Commissioner if a vote was in fact taken in the Parliament. As mentioned above, the Commissioners-nominees also had to convince the Parliament that they would resign if the President of the Commission asked them to. Thus we see that the Parliament was not granted a full right to conduct a vote for dismissal, but that a vote is conditioned on the will of the President. Both procedures were written into the inter-institutional agreement following the Prodi Commission's instatement. I will argue that this process strengthens the hypotheses of the rational choice perspective. Together with the Parliament's increasing influence over the nomination of the Commission, we see an increasing Parliamentarisation of Commission-Parliament relations evolving outside the formal frameworks. This yields a number of questions for further study. Why is the Commission voluntarily submitting itself to the influences of the Parliament?

These informal processes puts focus on another interesting matter. The Parliament and the Commission seem to differ on their perception of the relationship between the two institutions, in particular with regards to positive and negative investiture. The Parliament seems to argue for the strengthening of parliamentary traits and individual

accountability, while the Commission uphold their collegiality. This raises questions of values, norms and ideology. I will return to this in the following section.

### 5.3 Limits to rationality: Presidentialisation and Parliamentarisation as myth driven

Intergovernmental theory and rational choice institutionalism has left a few questions unanswered. The state oriented perspective has difficulty explaining why power has been transferred from the member states to the European institutions. As seen above, the transferral of power to the Commission Presidency was done to enhance the efficiency of the Commission and to keep it an efficient institution even after enlargement. The rationale for enhancing the role of the Parliament, on the other hand is not as easily given. Rational choice institutionalism encounters the same problem. The strengthening of the President of the Commission and the Parliament's pursue of a larger role in the European Union can both be explained by the assumption of rational actors. On the other hand, the postulations of rationality have problems explaining why the Commission voluntarily will submit itself to the influences of the Parliament.

As seen in *chapter two* the assumptions of the environmental perspective is rather different than those of intergovernmental theory and rational choice institutionalism. Rather than viewing *Presidentialisation* and *Parliamentarisation* as rational processes, it seeks to uncover the myths and ideas that may cause such a change in the Commission and its relations with the Parliament. How are the legitimising organisational forms of the broader society reflected in the reforms of the European Union? As seen in *chapter two*, the ideas of parliamentarism and a strong President or chief executive can both be said to be prevalent in the broader institutional environment of the European Union. To what degree has these assumptions been corroborated by the data? To what extend can the processes be seen as driven forwards by ideas and norms rather than rational actors? How can these ideas be seen as the driving forces for the growing dependence of the Commission on the will

of the European Parliament and the strengthening of the Presidential prerogatives within the Commission?

### *The myth of Presidentialisation*

*Chapter three* showed us that the recent Treaty revisions have strengthened the presidential traits of the European Commission, enhancing the prerogatives of the chief executive. Can the data corroborate the assumptions of *chapter two* owing the changes to a European wide trend?

As seen, the President of the Commission is gaining in influence, and has a role one might say go well beyond the traditional *primus inter pares*. As compared to the growing influence of the Parliament, the arguments used to strengthen the role of the Commission President have been much more explicit and functional in nature, both from the member states and the Commission in itself, corroborating the rational perspectives. However, as seen in *chapter two*, myths are often rationalised and institutionalised, and may take on a functional nature. Strengthening the President may therefore be seen as an idea based solution for the problems the Commission was facing. However, if one looks at the data, the strengthening of the presidential prerogatives was only one of many options the member states considered when adapting the institutional framework of the Union. This may have won through because it was seen as the best option, owing this to the myth of Presidentialisation. On the other hand, from an intergovernmental perspective the final result of the IGC may only be seen as the lowest common denominator, or a reflection of the relative power of the member states. Unfortunately, the data can neither verify nor falsify these postulations, and this section raises more questions than it provides answers.

Another interesting fact is that the Commission itself seems to argue for two partially incompatible structures. It has argued for the strengthening of the President, using functional arguments. However, at the same time, it argues for the upkeep of the collegial traits, especially in their relations with the Parliament. One might therefore question whether this may be the result of incompatible myths. On the other hand, in

a rational perspective collegiality may be seen as a way to avoid scrutiny. Moreover, both tendencies can have resulted from a wish to enhance the legitimacy of the Commission. I will return to this in the following section.

### *The myth of Parliamentarisation*

The role of the Parliament is one of the unanswered questions left from the rational perspectives. Why would the member states extend the roles and functions of the Parliament? Employing a strictly rational assumption one might suggest that their power over the Commission was extended in order for the two institutions to control each other. Could there be a normative explanation?

As seen with the Treaty of Amsterdam, the member states were already in agreement to extend the role of the Parliament in the election of the Commission. Furthermore, an informal procedure was already established between the Parliament and the Commission. The data suggests that there was little discussion about this, and the Parliament has been given a much larger say in the policies of the Union through its participation in decision making. This might suggest that the increased influence by the Parliament was taken for granted, thus corroborating the postulation of the environmental perspective. However, though this may be said to build on the idea of parliamentarism, and the legitimating effect of an increase of parliamentary influences, one can not exclude the possibility that this was motivated by rational calculations. As Rittberger (2005) points out in his analysis of European Parliament, this may be a way for the member states to fill the '*legitimacy deficit*'. Unfortunately, my data can neither verify nor falsify this statement.

The analyses above have shown that the Parliament may be said to have rationally extended its role and functions throughout the Amsterdam and Nice processes. However, the notion of legitimacy has also been used as the institution extended its own role. As the practises of the Commission and Parliament were written down in inter-institutional agreements, it was done to enhance the legitimacy of the Commission. The two structures have previously been separate, and the fact that this



was used as an argument may be said to corroborate the assumption of the myth based perspective. The idea that the Commission would gain legitimacy as it makes itself more dependent on the will of the Parliament is based on the idea of a parliamentary chain of responsibility. Nonetheless, drawing on the rational perspective the data can not exclude that this was done rationally. The Commission may be seen to gain legitimacy for its own work by submitting itself to the will of directly elected, and thus legitimated, European Parliament.

This interpretation is further supported by the inter-institutional relations we see develop within the EU. They differ from those of the member states legislative assemblies and executive branches. Ideology seems to be of lesser importance, and as seen when the Parliament scrutinised the Barroso Commission-nominees, it was seen as a crisis, not parliamentarism in the making. However, though the practises of the European Union may be different from those we find in the member states, this does not exclude the possibility that the ideas have influenced the institutional choices made. As seen in *chapter two*, myths are often adapted as they move from one organisation to the next. On this note I move to concluding remarks.

## 6. Putting the pieces together

As I present my concluding remarks I would like to return to the questions put forwards in the introduction. Why have we seen a parallel strengthening of the presidential prerogatives and the parliamentary influences over the Commission? Has it been a process driven forwards by the member states of the Union, the European institutions or is it merely a reflection of legitimising concepts?

As seen these questions were not taken from the top of my head, but founded in the theoretical framework of European and organisational studies. Employing intergovernmental theory, I have shown that the member states still retain the formal power to revise the Treaty framework, and may still claim the right to be referred to as the primary actors. As seen, through intergovernmental conferences they have successfully strengthened the position of the Commission Presidency, while at the same time limiting the influences of the Parliament over the Commission. Employing rational choice institutional assumptions on the data has yielded partly conflicting results. Putting focus on the adaptation of the formal provisions, this interpretation shows that the institutions influence their own roles and functions as they maximise their mandates. Both the presidential prerogative to ask a Commissioner to leave and the parliamentary prerogative to ask the commissioner-nominees to appear before a committee, originated outside the intergovernmental conferences. The third and final analysis has shown that not only were norms and ideas used as arguments for the Presidentialisation and Parliamentarisation of the Commission, they seem to be used to legitimise the institutions.

However, as argued in *chapter two*, the scope of these analyses was not to strengthen one theoretical perspective while disproving the others, but rather try to construct a framework to explain the variance in the data. Drawing on this, I believe a full understanding of the processes needs to take into account a holistic view of institutional change. We need to include the formal negotiations, but also the informal adaptations and the inter-institutional relations. As seen, in particular with

the Parliamentary prerogatives, but also in the way the President of the Commission gained the prerogative to dismiss a Commissioner, the member states have chosen a restricted formal framework. At the same time working arrangements are adapted and inter-institutional arrangements are negotiated, extending the Treaty framework. Thus we need that more is gained by making use of a broad perspective on arenas.

Furthermore, for a deeper understanding of the processes taking place, we need to employ a broad understanding of actors. As seen, the member states retain the power to negotiate and be the signatories of Treaties, and the Treaties, though loosely, guide the work of the Union. Thus the member states may still be viewed as the primary actors, retaining an 'exit strategy'. On the other hand, as seen, the informal adaptation of the Treaty framework can not be explained by employing a strict member state oriented perspective. The institutions may not have the prerogative to freely alter their mandates, but they are influential in adapting them, and as the data show, they enjoy a large degree of freedom when doing so.

The strengthening of the Presidential prerogatives and the Parliamentary traits in particular, shows that a strict rational assumption falls short. As shown above, the perspectives have problems explaining why the member states and the European Commission voluntarily yield power to a European Parliament. Though the data may not be able to verify the assumptions of the environmental perspective, the strictly rational perspectives display problems and the normative perspective provides a solution for this. However, further research is necessary to underpin this.

On an interesting note, though both the President of the Commission and the Parliament has seen an increase in their formal prerogatives, not all provisions have been put to use. As seen, the President of the Commission has yet to ask a Commissioner to leave. Furthermore, most of the provisions for the relationship between the Parliament and the Commission have never been used. The strengthening of their formal position vis-à-vis the Commission may therefore not encompass all aspects of the inter-institutional relations. As the Santer crisis showed us, making use of formal provisions is not an absolute requirement for influence over

the processes. The Parliament forced the Commission to leave without formally undertaking a vote of censure.

### *Limits to the study*

Following the parameters of this thesis, the range of the analysis has been limited. However, it has become clear that the scope needs to be widened for a full understanding of these processes. The data give a clear indication that the processes go further back in time, though the changes have occurred recently. For future analyses, a historic perspective should be added, basing its assumptions on the postulations of historical institutionalism.

Furthermore, the data suggests that the actors need to be broken down to smaller entities. By opening up the category of ‘member states’, we could gain a better understanding of the processes that have caused a strengthening of the Commission Presidency and the European Parliament. As the data has shown, there have at times been broad disagreements on the institutional issues, and an opening up of the assumptions on member states could yield valuable information on the Parliamentarisation and Presidentialisation of the Commission. Moreover, in my analysis the Commission has been treated as a whole. The scope of this study did not allow for such data to be gathered, but it can be expected that the Presidents have influenced their role and they may have had motives to extend the prerogatives of the Commission Presidency. An inclusion of data on the President’s would increase the value of the study. Information would also be gained by opening up the assumption of the Parliament as a unitary actor, exploring differences among the political groups as well as along national lines. Moreover, by introducing data on a lower level we might be able to gain a better understanding of the normative aspects of the institutional changes. Furthermore, opening up the assumptions of the multitude of actors involved could disclose coalitions amongst them, uncovering powerful and less powerful clusters of actors across the arenas. The remarks above point out that further research is needed for a full understanding of the Parliamentarisation and Presidentialisation of the Commission.

*Parliamentarisation and Presidentialisation: is this the end?*

On this note I conclude with remarks on the key concepts of this analysis. As shown in *chapter three* the institutional changes within the Commission and its relations with the European Parliament points towards both a Presidentialisation and Parliamentarisation of the Commission. On the other hand, the Commission still highly value collegiality, and Commission-Parliament relations are still different from those of the member states. However, the typology has shown to be a well adept tool to elucidate the institutional workings of the Union. Will it be so in the future?

As pointed out in the introduction, the Commission is far from static in its nature, and I don't expect this process has found its end just yet. As seen in *chapter three*, the Reform Treaty will take the European Union one step closer towards a parliamentary system. Not only will we see the continuation of a hierarchical system, we will also welcome new institutional structures. Moreover, the increasing influences of the member state parliaments may add a whole new level to ideal model of a European parliamentary system. However, as the analyses undertaken suggests, it is difficult to predict the effects of the new provisions before they have been put to use. It is therefore with excitement that I await 2009 and 2014.

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